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New York Collection

LAWS

OF THE

State of New-York,

PASSED AT THE

FORTY-NINTH SESSION

OF THE

LEGISLATURE,

BEGUN AND HELD AT THE CITY OF ALBANY,

The Third day of January, 1826.



ALBANY:

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1826.

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LAWS

OF THE

State of New-York,

PASSED THE FORTY-NINTH SESSION OF THE LEGISLATURE, BEGUN AND HELD AT THE CITY OF ALBANY, THE THIRD DAY OF JANUARY, 1826.

CHAP. 1.

AN ACT *authorising the Judges and Supervisors of the County of Chautauque to appoint Justices of the Peace in the Town of Ellington.*

Passed January 13, 1826.

Preamble.

WHEREAS the judges and supervisors of the county of Chautauque failed to meet on the first Tuesday of October last, by reason of which there was no appointment of justices of the peace for the town of Ellington in said county: Therefore,

Provision for appointment of justices in Ellington.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the judges and supervisors of the county of Chautauque to meet at the court-house in said county, on the second Tuesday of February next, and to appoint justices of the peace for the town of Ellington, in the same manner and under the same regulations as they are now authorised to make appointment of justices of the peace on the first Tuesday of October in each and every year.

CHAP. 2.

AN ACT *to authorise the Supervisors of the County of Greene to borrow a sum of money, on the credit of said county, for the purpose of erecting a County Poor-House.*

Passed January 13, 1826.

Supervisors authorised to borrow 5000 dollars.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the supervisors for the time being of the county of Greene, be and hereby are authorised to borrow, on the credit of said county, such sum or sums of money as they or a majority of them shall deem necessary, not exceeding in all the sum of five thousand dollars, for the purpose of purchasing a sufficient quantity of ground within the said county, and erecting

thereon suitable buildings for the dwelling and maintenance of the poor of said county; and the treasurer of the said county of Greene is hereby authorised and required to issue his bond, under the seal of the said county, for such sum or sums as may be borrowed, pursuant to the provisions of this act.

Supervisors required to levy tax.

2. *And be it further enacted*, That the supervisors for the time being of the county of Greene, are hereby authorised and required to levy a tax on the real and personal property within the said county, at such time or times as they may deem proper, for the purpose of repaying the amount borrowed by authority of this act, with the interest thereon: *Provided*, That all sums they borrow, with the interest thereon, shall be paid within five years after the passing of this act.

Sums borrowed to be paid in 5 years

CHAP. 3.

AN ACT *to provide for the Election of a Senator to represent this State in the Senate of the United States.*

Passed January 18, 1826.

Appointment of U S Senator provided for 14th Jan

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the senate and assembly of this state shall, on the fourteenth day of January instant, proceed to the choice of a senator to represent this state in the senate of the United States, in the place of Rufus King, whose term of service has expired; and that such choice shall be made in the manner prescribed in and by the act entitled "an act prescribing the times, places and manner of holding elections for senators to represent this state in the senate of the congress of the United States of America," passed 20th March, 1801: And in case no appointment shall be made on such day, in pursuance of the provision aforesaid, that then it shall be lawful for the senate and assembly to make such appointment on any other day.

or any other day

CHAP. 4.

AN ACT *authorising the appointment, by the Common Council of the City of Albany, of a Collector of Taxes in certain cases, and to extend the time for the collection of taxes in the said City.*

Passed January 16, 1826.

Collection of taxes extended

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time for the collection of taxes in the city of Albany, be and the same is hereby extended from the first day of February to the first day of March in each and every year; and that the collectors appointed in the different wards of the said city, shall continue to have and exercise all the powers and privileges in relation to their offices that they possessed previous to the day on which they should have made their returns:

Powers of collectors continued

Provided however, That the said collectors shall renew their bonds to the several supervisors of the said city, with one or more sureties, to be approved of by the said supervisors, in double the amount of his tax-list, conditioned for the true and faithful execution of the duties of his office, and for the due return of monies by him collected; and also for the due return of all lands on which such taxes shall remain due and unpaid on the first day of March in the year aforesaid. provided their bonds are renewed

2. *And be it further enacted*, That if any collector appointed, or to be appointed, for any of the wards in the said city, shall, after such appointment, die, resign, or remove out of the said city before he shall have entered upon or completed the duties of his office for the year for which he was or shall be appointed, or shall by reason of sickness or other cause, be disabled from performing and completing the duties of his said office, it shall in every such case be the duty of the mayor, aldermen and commonalty of the said city, to appoint a collector for such ward for the remainder of the year, who thereupon shall have the same powers and privileges, be subject to the like duties and penalties, and entitled to the same compensation, as the collector in whose place he was so appointed; and it shall be the duty of such collector so to be appointed as aforesaid, before he shall enter on the duties of his office, to enter into a bond with the like penalty, and subject to the same condition as other collectors are required to enter into by law; and that so much of the twenty-seventh section of the act entitled "an act for the assessment and collection of taxes," passed April the twenty-third, one thousand eight hundred and twenty-three, as relates to the appointment of collectors for the different wards of the said city of Albany, in case of death, removal, sickness or disability, by the supervisors and justices of the peace, in and for said city, be and the same is hereby repealed: *Provided always*, That nothing herein contained, shall be construed to exonorate or release the former collector or his surities from any liability incurred by them. Commoncouncil to appoint collectors in case of vacancy by death &c. His powers & privileges To give bond Proviso

CHAP. 5.

AN ACT *to alter the time of the Annual Meeting of the Board of Supervisors of the County of Oneida.*

Passed January 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual meeting of the board of supervisors in the county of Oneida shall hereafter be holden on the third Tuesday of November in each and every year, instead of the first Tuesday of October as heretofore established by law: *Provided*, That nothing in this act contained shall affect or alter the place of the meeting of said board, but said meetings shall continue to be holden at the places where they were formerly holden, in the same manner as if this act had not been passed. Time of annual meeting altered Place of meeting not affected

CHAP. 6.

AN ACT *to enable John Hoar to change his name.*

Passed January 17, 1826.

John Hoar to take the name of J Davison

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That John Hoar, of Covington, in the county of Genesee, may at all times hereafter take to himself the sir name of Davison, and that he shall, in all cases whatsoever, be called and known by the name of John Davison.

CHAP. 7.

AN ACT *to prevent the destruction of Fish in certain Ponds in the Town of Carmel in the County of Putnam.*

Passed January 17, 1826.

Fish in certain ponds, not to be destroyed or taken, until a certain period

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, it shall not be lawful for any person or persons, at any time or in any manner whatsoever, to take or destroy any fish of any kind, or to use any means for taking or destroying them, in the waters of any of the ponds in the town of Carmel, in the county of Putnam, hereinafter mentioned, until after the times hereinafter set forth, as applying to each of said ponds respectively, as follows, to wit: In those ponds commonly known by the names of the Wixom pond, and Mud pond, until after the first day of September, in the year one thousand eight hundred and twenty-six; in the pond called the Long pond near James Carver's, until after the first day of May in the year one thousand eight hundred and twenty-seven, and in the Mahopac or Great pond, until after the first day of October in the year last aforesaid; nor shall it be lawful at any time thereafter to take any fish of any description in the before mentioned Long pond by means of seines or nets.

Penalty

2. *And be it further enacted,* That if any person or persons shall take or destroy any fish, or use any means for taking or destroying them, in the waters of said ponds, contrary to the provisions of the preceding section of this act, he or they shall, for each and every offence, forfeit the sum of five dollars, to be sued for and recovered by any person who will prosecute for the same in his own name, in an action of debt, with costs of suit, in any court having cognizance thereof, the one half thereof when recovered to be paid to the overseers of the poor of the town of Carmel, for the use of the poor thereof, the other half for the use and benefit of the person who shall so prosecute and recover the same.

How recovered and applied

CHAP. 8.

AN ACT *to alter the time of holding Town Meetings in the Town of Camillus, in the County of Onondaga.*

Passed January 17, 1826.

Town meetings when to be held

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings of the freeholders and inhabitants of the town of Camillus, in the county of Onondaga, shall hereafter be held on the last Tuesday in April in every year; and that all town officers of the said town of Camillus, whose duty it is to meet on the last Tuesday in February next, shall meet on the Tuesday next preceding that on which the annual town meetings in said town shall be held as aforesaid in every year, to do and transact such business as to their respective offices may appertain.

Meeting of town officers prescribed

CHAP. 9.

AN ACT *for suspending the Sales of Lands now advertised to be sold for Arrearages of Taxes.*

Passed January 17, 1826.

Comptroller to suspend sale of lands for taxes

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller of this state be, and he is hereby authorised to suspend the sale of all lands by him advertised to be sold on the seventeenth day of January instant, for the arrearages of the state and United States direct taxes, to Tuesday the twenty-first day of March next.

To sell on publishing notice of postponement

2. *And be it further enacted*, That the sale shall be made by the comptroller without further advertisement other than a general notice of postponement, the publication of which notice of postponement shall be continued until the time of sale, and the aforesaid sale shall be as valid as if the same had been made at the time first appointed by the comptroller for that purpose.

CHAP. 10.

AN ACT *to exempt Poor-Houses from Taxation.*

Passed January 21, 1826.

Poor houses exempt from taxation

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, it shall not be lawful to assess or tax any city, county or town poor-house or alms-house, in any of the counties of this state, nor any real or personal property whatever belonging to, or connected with the same.

CHAP. 11.

AN ACT *relative to the Mileage Fees of the Sheriff of the County of Monroe.*

Passed January 21, 1826.

Mileage fees prescribed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passage of this act, the sheriff of the county of Monroe shall calculate his mileage fees from the court-house in the said county; and that it shall not be lawful for the said sheriff to calculate his said fees from any other place in said county, any law to the contrary notwithstanding.

CHAP. 12.

AN ACT *authorising Ezra C. Folsom to keep a Ferry across Black River Bay, in the County of Jefferson.*

Passed January 21, 1826.

E C Folsom authorised to keep a ferry

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of May next, it shall and may be lawful for Ezra C. Folsom, of the town of Brownville, in the county of Jefferson, his heirs and assigns, to set up, keep and maintain, a ferry across the Black River Bay, from the village of Sackett's Harbour, in the town of Hounsfield, to the opposite shore in the town of Brownville, opposite to the village of Sackett's Harbour, and to keep and maintain a ferry from the said opposite shore to the said village of Sackett's Harbour, for and during the term of five years, to be computed from the first day of May next.

To keep suitable boats

2. *And be it further enacted*, That the said Ezra C. Folsom, his heirs and assigns, shall set up a ferry as aforesaid, and shall, during the time aforesaid, keep, maintain, and support suitable and safe ferry boats, capable and sufficient for carrying to and from the places above mentioned, carriages, horses, cattle, goods, chattels, and passengers, and ready at all reasonable times and seasons to transport and ferry across said bay, to and from as aforesaid, all persons, goods and chattels as above named.

Rates, &c. prescribed by county courts

3. *And be it further enacted*, That the court of common pleas of the county of Jefferson, in their sessions, shall and may, and are hereby directed annually, during the continuance of this act, to order, direct and determine, the several rates of ferriage, and hours of the day that boats shall be kept in readiness belonging to the said ferry.

Penalty for exacting higher rates

4. *And be it further enacted*, That if the said Ezra C. Folsom, his heirs or assigns, or any ferryman, or other person employed by him or them, shall take, exact or receive any greater or higher rates of ferriage for transporting goods and chattels, or other things whatsoever, than shall be so allowed by the said court of common pleas, the person so offending, shall forfeit and pay for every such offence,

the sum of five dollars, to be recovered, with costs of suit, before any justice of the peace within the county of Jefferson by any person who shall sue for the same.

No other person allowed to keep a ferry

5. *And be it further enacted*, That if any other person or persons shall, after the first day of May next, set up, keep or maintain any ferry, or shall carry or transport any person, goods or chattels for hire or pay, across said bay, from any place on the south side or shore of the same, within two miles east or west of the village of Sackett's Harbour, or shall carry or transport any person, goods or chattels for hire or pay, across said bay, from the north side or shore of said bay, within two miles east or west of the main road leading from said bay to Chaumont bay, every such person or persons, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered, with costs of suit, in any court of this state having cognizance thereof, by any person who shall sue for the same: *Provided*, That nothing in this act contained, shall be deemed or taken to prevent any person or persons, who reside within the limits aforesaid and adjoining the said bay, from making use of their own boats and transporting themselves and property across the same at their pleasure.

Penalty

May use their own boats

County court to declare privileges forfeited in certain cases

6. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the county of Jefferson, that the said Ezra C. Folsom, or his legal representatives, shall wilfully and knowingly neglect to comply with the directions or restrictions of this act in keeping and maintaining the ferry as aforesaid, to adjudge and declare that all the privileges granted to him by virtue thereof, shall cease and be of no effect, and the same shall thereupon cease accordingly, and the legislature may at any time hereafter, alter, modify or repeal this act.

Right to repeal reserved

CHAP. 13.

AN ACT *to suspend the Sale of certain Lands in Franklin Patent, advertised to be sold for Quit-Rents, and to extend the time for commutation.*

Passed January 21, 1826.

Comptroller authorised to suspend sale

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the comptroller be, and is hereby authorised and required to suspend the sale of front lot number six, and of rear lot number six, of the Franklin patent in the county of Delaware, for arrears of quit-rents, until the first Tuesday of August one thousand eight hundred and twenty-six; the said lots number five and six being the same lands whereof William Temple Franklin died seized.

Time of commutation extended

2. *And be it further enacted*, That the time for commutation for quit-rents due upon the said land whereof the said William Temple Franklin died seized, be, and is hereby extended, until the said first Tuesday of August next, at which time, if the said quit-rents shall remain unpaid, the comptroller shall proceed to sell the said lands according to the provisions of the act entitled "an act in relation to the extinguishment of quit-rents," passed April 20, 1825, without giving any further notice of such sale.

CHAP. 14.

AN ACT *annulling a Road in the Town of Preble, in the County of Cortland.*

Passed January 21, 1826.

Part of road annulled

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that part of the road laid out by commissioners under and by virtue of an act entitled "an act to appoint commissioners to lay out a road from the Erie canal in the town of Camillus, in the county of Onondaga, to Port Watson in the county of Cortland," which is in the town of Preble aforesaid, be, and the same is hereby annulled.

Damages not allowed

2. *And be it further enacted*, That it shall not be lawful for the supervisors of the county of Cortland, to audit or allow any damages to the owners or occupants of land in the town of Preble, by reason of the laying out and establishing said road, any law or usage to the contrary notwithstanding.

CHAP. 15.

AN ACT *concerning the Terms of the Court of Common Pleas and General Session of the Peace in the County of Jefferson.*

Passed January 21, 1826.

Terms of court altered

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That after the last day of March next, the four terms of the court of common pleas and general sessions of the peace of the county of Jefferson, instead of commencing at the times now fixed by law, shall commence in each year on the first Tuesdays in June, September and December, and on the last Tuesday in February: *Provided*, That no grand jury shall be summoned to attend at any such court of general sessions of the peace, except at the said September and February terms.

Grand jury, when to be summoned

CHAP. 16.

AN ACT *to establish a Ferry across the Cayuga Lake, from the Village of Union Springs, in Cayuga County, to Fayette, in Seneca County.*

Passed January 21, 1826.

J & J Carr, authorised to set up ferry

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Jacob Carr and James Carr, junior, of the town of Springport, in Cayuga county, their heirs and assigns, to set up and maintain a ferry across the Cayuga lake, from lot number ninety-eight, in the late Cayuga reservation, on the east side of the Cayuga lake, to lot

number forty, in said reservation, on the west side of said lake, for and during the term of ten years from and after the passing of this act.

Required to keep good boats

2. *And be it further enacted*, That the said Jacob Carr and James Carr, junior, their heirs or assigns, shall, if they shall set up a ferry by virtue of this act, keep, support and maintain, for the accommodation of said ferry, during the term aforesaid, a good and sufficient ferry boat or boats, to be propelled with sufficient horse or steam powers, capable of conveying two wagons and four horses, and at all reasonable times and seasons cause the said boat to be well manned, to transport and ferry across said lake, carriages, persons, goods and chattels.

No other person to ferry &c.

3. *And be it further enacted*, That if any person or persons shall at any time or times, after such ferry shall have been established by virtue of this act, set up, keep or maintain a ferry, or shall carry, or transport any person or persons, carriages, goods, chattels, wares, merchandize or other thing, for pay, hire or otherwise, across said lake, between said lots and the limits of the grant to the Cayuga bridge company, on the north, or within three miles south of said lots, every such person or persons shall forfeit and pay to the said Jacob Carr and James Carr, junior, their heirs or assigns, for every such offence, the sum of ten dollars, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof: *Provided always*, That nothing herein contained shall be construed to preclude any person or persons from crossing or transporting his or their families, goods and chattels, in his, her or their own scow, boat or otherwise, or upon the ice, within the limits aforesaid, free from all fees and charges whatever.

Penalty

Proviso

Rates of ferriage

4. *And be it further enacted*, That it shall and may be lawful for the said Jacob Carr and James Carr, junior, their heirs or assigns, to take, and receive at the said ferry, the following rates or prices of ferriage, that is to say: For every four wheeled coach or pleasure carriage, drawn by two horses or mules, one dollar; and for every additional horse or mule, twenty-five cents; for every chair, sulkey, or chaise, drawn by one horse or mule, seventy-five cents; and for every additional horse or mule, twenty-five cents; for every pleasure wagon, drawn by two horses or mules, one dollar, and for every additional horse or mule, twentw-five cents; for every four wheeled lumber wagon or carriage, drawn by two horses, mules or oxen, seventy-five cents, and for every additional horse, mule or ox attached to such wagon, twenty-five cents; for every wagon drawn by one horse or mule, sixty-two and an half cents; for every cart drawn by two horses, mules or oxen, seventy-five cents, and for every additional horse, mule or ox, twenty-five cents; for every sleigh or sled, drawn by two horses, mules or oxen, seventy-five cents, and for every additional horse, mule or ox, twenty-five cents; for every cart, cutter or sleigh, drawn by one horse, fifty cents; for every footman, twenty-five cents; for every man and horse, fifty cents; for every led or single horse, or mule, twenty-five cents; for every head of neat or fatting cattle, twenty-five cents, and for hogs and sheep, six cents. And that it shall and may be lawful for the judges of the court of common pleas in the county of Cayuga, at any time during the term aforesaid, to alter and regulate the rates

Judge to regulate

Proviso

of toll herein before granted: *Provided*, That no greater ferriage shall be demanded than is herein permitted.

When privileges to be void

5. *And be it further enacted*, That if the said Jacob Carr and James Carr, junior, their heirs and assigns, on the first day of June next, shall have neglected to establish and keep such ferry as is contemplated by this act, or to comply with every provision thereof, it shall be lawful for the court of common pleas of the county of Cayuga, to adjudge that all the privileges granted under, and by virtue of this act, shall cease and be void, and of no effect; and from and after such adjudication, all such rights and privileges shall cease, and be void, any thing in this act to the contrary notwithstanding.

Penalty for neglects &c.

6. *And be it further enacted*, That after said ferry shall be established, by virtue of this act, the owners and keepers of the said ferry, or either of them, shall be liable to a penalty of ten dollars for wilfully neglecting, or refusing, at all proper seasons and times, to transport or ferry any person or persons, his, her or their carriages, goods or chattels, across the said lake, or for detaining any such person or persons, his or their goods or chattels, wilfully, and unnecessarily, in crossing the said lake, to be sued for and recovered before any justice of the peace, either of the county of Seneca or county of Cayuga, with costs of suit, one moiety whereof, when recovered, to be paid to the overseers of the poor of the town where the same shall be recovered, and the other moiety to the person who will sue for the same: *Provided*, That no such penalty shall be recovered in case the wind, weather, or ice shall render the crossing of the said lake dangerous or very difficult at the time complained of, nor shall it apply to cases of refusal to transport or carry, or of detention caused by unavoidable accidents or casualties: *And provided also*, That the legislature may at any time hereafter, alter, modify or repeal this act.

How disposed of

Proviso

Rights to repeal

CHAP. 17.

AN ACT *in addition to an act, entitled "An act in relation to certain Protests and and services of Notices in the City of New-York," passed 22d April*, 1823.

Passed January 21, 1826.

Preamble

WHEREAS the occurrence of the infectious or contagious diseases alluded to in the act to which this is an amendment, may render it requisite or prudent to make some similar provisions with regard to the presentment of bills of exchange or promissory notes in like emergencies, happening in the city of New-York: Therefore,

When notes & acceptances to be registered with clerk of county

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever a free communication with any district of the said city shall be by the board of health, or other proper authorities thereof, prohibited or declared dangerous by reason of the prevalence of any infectious or contagious disease, it shall be the duty of all persons and firms usually resident, or doing business within such district, whose notes or ac-

ceptances fall due during the continuance of such infectious or contagious disease, to register in a book to be for that purpose kept in the office of the clerk of the city and county of New-York, the places out of the said district and within the said county to which they may have removed, or where their said notes and acceptances may be presented for payment during their absence therefrom; and in case of their neglect or omission so to do, it shall not be necessary for any person or persons to go or send into such infected district for the purpose of demanding payment of any bill of exchange or promissory note whotsoever; but in all such cases when the ordinary rules of law would require the party to go or send into such district to make any demand of payment, or when no registry is made as above provided, it shall be sufficient to make such demand of the clerk of the city and county of New-York, or his deputy, for the time being, and such presentment and demand shall be as valid and binding on all the parties concerned as if the same had been duly presented to the maker or acceptor of any such promissory note or bill of exchange in person.

Not necessary to demand payment in infected district

Demand to be made of clerk in certain cases

2. *And be it further enacted*, That it shall be the duty of the clerk of the said city and county during the continuance of such disease as aforesaid, to provide and keep in his office a book for the purposes aforesaid, accessible to the public at all times during office hours, free of charge, in which the names of all persons requesting the same shall be alphabetically registered, together with their temporary places of business or removal, and that the said clerk shall be entitled to claim for each registry as aforesaid the sum of twenty-five cents.

Duty of clerk prescribed

3. *And be it further enacted*, That such infectious or contagious disease shall be considered to have subsided, whenever proclamation to that effect shall be made by the board of health, or other proper authority of the city of New-York.

When considered as having subsided

CHAP. 18.

AN ACT *to incorporate the Utica Lyceum.*

Passed January 21, 1826.

WHEREAS the members of the Utica Lyceum have associated for the purpose of encouraging the study and of disseminating a knowledge of natural history and other useful sciences, and have petitioned for an act of incorporation: Therefore,

Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nathan Williams, Jonas Platt, Joseph Kirkland, Alexander Coventry, Thomas Goodsell, Montgomery Hunt, Elijah F. Willey, William H. Maynard, Alexander B. Johnson, and such other persons as now are and may from time to time become members of the society by this act incorporated, shall be, and hereby are constituted a body corporate and politic, by the name of the Utica Lyceum, and by that name they shall have perpetual succession, and shall be a body capable of suing and

Corporation created

Corporate name and general powers

being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, with power to change and alter the same from time to time, and shall be capable of purchasing, taking possession of, holding and enjoying to them and their successors, any real estate, in fee simple, or otherwise, and any goods chattels and personal estate, and of selling, leasing, or otherwise disposing of said real and personal estate, or any part thereof, at their will and pleasure: *Provided however*, That the funds of the said corporation shall be used and appropriated to the objects contemplated in the preamble to this act: *And provided also*, That the clear annual income of such real and personal estate, shall not exceed the sum of one thousand dollars.

Seal

Real estate

Income not to exceed $1000

2. *And be it further enacted*, That the said society shall forever hereafter have power to make, constitute, ordain and establish such by-laws, and regulations as they shall judge proper, for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the admission of new members, for the government of the officers and members thereof, for collecting the fines, impositions and annual contributions from the members, for regulating the times and places of meeting of the said society, for suspending or expelling such members as shall neglect or refuse to comply with the by-laws or regulations, and for managing and directing the affairs and concerns of the said society: *Provided*, Such by-laws and regulations be not repugnant to the constitution and laws of this state or of the United States, or the objects contemplated by the preamble of this act.

May make by-laws, regulating election of officers, &c.

Proviso

3. *And be it further enacted*, That the officers of the said society shall consist of a president, three vice-presidents, a corresponding secretary, a recording secretary, a treasurer and five curators, and such other officers as the said society shall deem necessary, who shall be chosen annually, and who shall continue in office for one year, or until others shall be elected in their stead; that if the annual election shall not be held on any of the days for that purpose appointed, it shall be lawful to make such election at any other regular meeting; and that such number of members of the said society assembled at the place and time designated for that purpose, as may be specified by the constitution or by-laws of the said society, shall constitute a legal meeting thereof; and that in case a vacancy shall take place in any office between the annual elections, then it shall be lawful to fill such vacancy at any regular meeting, and the person or persons so chosen, shall continue in office until the next annual election, or until others shall be elected in their stead.

Officers, when appointed

4. *And be it further enacted*, That Nathan Williams shall be the president; Montgomery Hunt, the first vice-president; Alexander Coventry, the second vice-president; Alexander B. Johnson, the third vice-president; Elisha F. Willey, the corresponding secretary; Samuel Dana Dakin, the recording secretary; Thomas Colling, treasurer. William H. Maynard, Thomas Skinner, Thomas H. Hubbard, Greene C. Bronson and William J. Bacon, curators, severally to be the first officers of the said corporation, who shall hold their respective offices until the fourth Thursday in November next, and until others shall be chosen in their places.

First officers

5. *And be it further enacted*, That the legislature may at any time, modify or repeal this act. Right to repeal reserved

CHAP. 19.

AN ACT *for the Relief of Elizabeth Gelley.*

Passed January 27, 1826.

WHEREAS Elizabeth Gelley, of the county of Orange, hath by her petition, represented that her husband, John Gelley, who is now deceased, did in his life time purchase a certain house and lot of land, situate in the town of Montgomery, in the said county of Orange, which said house and lot of land is bounded on the north, by a road leading from the highway, (running from Goshen to Montgomery,) to the Walkill, owned, and occupied by Johannus Miller and Jacob Hart; on the east, by said highway, running from Goshen to Montgomery, on the south and west, by lands of the said Johannus Miller, containing about one fourth of an acre, which said lot of land was conveyed by the said Johannus Miller to John Wallace, and by the said John Wallace to the said John Gelley; and whereas the said Elizabeth Gelley, hath by her said petition, further represented, that the said John Gelley had not at the time of his death become a naturalized citizen of the United States, or in any manner empowered to take, hold and convey real property within this state: Therefore, Preamble

BE it enacted by the people of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful, for the said Elizabeth Gelley, to take and hold the house, lot and premises above described, with the hereditaments and appurtenances, to her and to her heirs and assigns forever; and to have and dispose of the same, and of the rents and issues and profits thereof, for her sole use and benefit: *Provided*, That nothing herein contained shall be taken to bar or preclude, (and the said premises are hereby expressly declared to be liable for) the payment of the just claim or claims of any creditor or creditors of the said John Gelley, whose right of action has accrued subsequent to the intermarriage of the said Elizabeth Gelley with the said John Gelley, and who at the time they so became creditors, were citizens of the United States, or in any wise to affect the right or title which any citizen of the United States may have to the said premises. Elizabeth Gelley authorised to hold a certain lot

Claims of creditors reserved

CHAP. 20.

AN ACT *to Divide the Town of Covert, in the County of Seneca.*

Passed January 27, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday in March next, all that part of the town of Covert, in the county of Seneca, lying west of a line running from the northwest Town of Lee erected

corner of lot number forty-nine, in said town, along the west line of said lot, and the lot or lots lying south thereof, to the south line of said town, at the southwest corner of lot number ninety-four, in said town, shall be erected into a separate town, by the name of Lodi, and that the first town-meeting held therein, shall be held at the house of John Ingersoll, in the said town, on the first Tuesday of March next.

Town of Covert

2. *And be it further enacted*, That all the remaining part of the said town of Covert, shall be and remain a separate town by the name of Covert, and that the next town-meeting, to be holden therein, shall be held at the house of Chauncey Pratt, in said town.

Duty of supervisors to divide poor money

3. *And be it further enacted*, That as soon as may be, after the first Tuesday in April next, the supervisors and overseers of the poor of the aforesaid towns, shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Covert, and the poor money belonging to the same, previous to the division thereof, agreeable to the last tax list of said town; and that each town shall forever thereafter support and maintain its own poor.

CHAP. 21.

AN ACT *to authorise Asa Parshall and Isaac Parshall, to erect a Dam across the Tioga River.*

Passed January 27, 1826.

Asa & Isaac Parshall to erect a dam

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for Asa Parshall and Isaac Parshall, of the town of Chemung, in the county of Tioga, to erect a dam across the Tioga river, in the said town of Chemung, at the place where their temporary dam is now erected, near the Grist Mill, situated on the southerly bank of the said river,

How constructed

which dam shall be constructed in the following manner: an apron to extend across the river, which shall not exceed six inches in height above low water mark, and on the ends or shore sides of said apron the dam to be erected shall not exceed eighteen inches in height, above said apron; leaving the main channel of said river of at least seventy-five feet in width, clear (except said apron) at all times unless in very low water, when they may place boards edgewise along the said seventy-five feet, which said boards shall be removed at any navigable pitch of water.

Commissions of highways may remove dam

2. *And be it further enacted*, That if at any time after the construction of said dam as aforesaid, the commissioners of highways, in and for said town of Chemung, shall consider the said dam as obstructing the free navigation of said river, they may in their discretion cause the same to be removed.

Right to repeal reserved

3. *And be it further enacted*, That it shall and may be lawful for the legislature at any time hereafter, to repeal this act, and to resume any right or privilege hereby granted, without compensation.

CHAP. 22.

AN ACT *to divide the Town of Painted Post, in the County of Steuben, into three Towns.*

Passed January 27, 1826.

Town of Erwin erected.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the first Monday in March next, all that part of the now town of Painted Post, known and distinguished as townships numbers one and two, in the second range of townships, shall be erected into a separate town by the name of Erwin, and that the first town meeting shall be held therein, at the house of Daniel Roock's, in said town, on the first Tuesday in March next.

Town of Hornby.

2. *And be it further enacted,* That from and after the said first Monday in March next, all that part of the now town of Painted Post, known and distinguished as townships number three, in the first, and number three in the second range of townships, together with so much of the gore lands lying east of, and adjoining township number three, in the first range, as now forms a part of said town, shall be erected into a separate town, by the name of Hornby, and that the first town meeting shall be held therein, at the school-house in school district number nine, on the first Tuesday in March next.

Painted Post to remain.

3. *And be it further enacted,* That all the remaining part of the now town of Painted Post, shall be and remain a separate town, by the name of Painted Post, and that the next town meeting to be held therein, shall be held at the school house, in school district number two in said town.

Duties of supervisors and overseers of the poor.

4. *And be it further enacted,* That as soon as may be, after the first Tuesday in March next, the supervisors and overseers of the poor of the aforesaid towns, shall, by a notice to be given for that purpose, by the supervisors thereof, meet together at such place as may be agreed on, and expressed in such notice, and apportion the poor maintained by the said town of Painted Post, and the poor money belonging to the same, previous to the division thereof as aforesaid, agreeably to the last tax list of said town, and that each town shall forever thereafter support its own poor.

CHAP. 23.

AN ACT *for the Relief of Isaac Kinney.*

Passed January 27th, 1826.

Time extended for collecting taxes in Hannibal.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Isaac Kinney, collector of the town of Hannibal, in Oswego county, shall have until the first day of March next, to collect the taxes of said town of Hannibal, and to settle the same with the treasurer of said county, any law to the contrary notwithstanding: *Provided,* That said Isaac Kinney shall give to the supervisor of said town such further or other se-

curity for the performance of his duty as collector, as may be required by said supervisor.

1824-110
1825-167

CHAP. 24.

AN ACT *to amend the Act entitled, "An Act to incorporate the Society for the Reformation of Juvenile Delinquents in the City of New-York," passed March 29th* 1824, *and for other purposes.*

Passed January 28th, 1826.

Managers to receive all children convicted of criminal offences in any city or county of the state.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the managers of the society mentioned in the act hereby amended, shall receive and take in the house of refuge, established by them in the city of New-York, all such children as shall be convicted of criminal offences, in any city or county of this state, and as may in the judgment of the court, before whom any such offender shall be tried, be deemed proper objects; and the powers and duties of the said managers in relation to the children which they shall receive in virtue of this act, shall be the same in all things, as are prescribed and provided by the act entitled, "an act to incorporate the society for the reformation of juvenile delinquents, in the city of New-York," passed March the 29th, 1824, in respect to children, which the said managers have received, or may receive in virtue of that act.

Health commissioners to account annually to the comptroller for monies received for marine hospital,

2. *And be it further enacted,* That the commissioners mentioned in the thirty-eighth section of the act entitled, "an act to provide against infectious and pestilential diseases," passed March the twenty-first, eighteen hundred and twenty-three, shall account annually to the comptroller of the state, for all monies received by them, for the use of the marine hospital, and if the same shall, in any one year, be more than sufficient to defray the expense of executing the trust committed to them, exclusive of such expenses, as are to be borne and paid as part of the contingent charges of the city of New-York, and including the annual compensations granted to the said commissioners by the said act, then and in such case, the said health commissioners shall pay such surplus over to the treasurer of the managers of the society for the reformation of Juvenile Delinquents, in the city of New-York, for the use of the said society; and the said commissioners shall also pay to the said treasurer, for the use of, and to be expended by the said society, in the erection of a house of refuge, for female Juvenile Delinquents, so much of the balance, or surplus, now in their hands, or which may be invested, pursuant to the said thirty-eighth section, as the person administering the government of this state may not deem necessary to be retained and disposed of, agreeably to the said thirty-eighth section, to meet any deficit of the receipts of the said commissioners for the purposes of the said marine hospital, or for the building of such other stone or brick hospitals in the place of the present wooden ones, as the person administering the government of this state may from time to time think necessary, and that the said thirty-eighth

when surplus to be paid to the treasurer of society

Surplus now in their hands how disposed of.

section, so far as the same is inconsistent with the provisions of this act, and no further, be and the same is hereby repealed.

3. *And be it further enacted*, That the sheriffs of the several counties of this state, shall be allowed for the transportation of any Juvenile Delinquents according to the provisions of this act, the same compensation as is now given by law for the transportation of convicts to the state prisons, to be audited and paid by the supervisors of the respective counties, as part of the contingent expenses of the said counties: *Provided*, That after notice shall be given by the managers of the said society, that there is not room for the reception of any further delinquents, it shall not be lawful to transport any other delinquents, until notice shall be given that they can be received. Compensation to sheriffs. Proviso.

4. *And be it further enacted*, That the legislature may at any time, repeal, amend or modify this act. Legislature may repeal

CHAP. 25.

AN ACT *in relation to the Free School Society of New-York.*

Passed January 28, 1826.

WHEREAS the trustees of said society have presented to the legislature a memorial, requesting certain alterations in their act of incorporation: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said society shall hereafter be known by the name of the "Public School Society of New-York." Name established

2. *And be it further enacted*, That it shall be the duty of said society to provide, so far as their means may extend, for the education of all children in the city of New-York, not otherwise provided for, whether such children be or be not the proper objects of gratuitous education, and without regard to the religious sect or denomination to which such children or their parents may belong. Society to provide for the education of all children

3. *And be it further enacted*, That it shall be lawful for the trustees to require of the pupils received into the schools under their charge, a moderate compensation, adapted to the ability of the parents of such pupils, to be applied to the erection of school-houses, the payment of the teachers' salaries, and to the defraying of such other expenses as may be incident to the education of children: *Provided*, That such payment or compensation may be remitted by the trustees in all cases in which they shall deem it proper to do so: *And provided further*, That no child shall be denied the benefits of the said institution, merely on the ground of inability to pay for the same, but shall at all times be freely received, and educated by the said trustees. Trustees may require compensation adapted to ability of parents. Proviso

4. *And be it further enacted*, That nothing in this act contained, shall be construed to deprive the said society of any revenues, or of any rights to which they are now, or if this act had not been passed, would have been by law entitled; and that the receipts of small payments from the scholars shall not preclude the trustees Society not deprived of revenues or rights, and to draw school fund

from drawing from the common school fund for all the children educated by them.

Trustees to establish additional schools

5. *And be it further enacted*, That the trustees shall have power from time to time, to establish in the said city, such additional schools as they may deem expedient.

Members for life

6. *And be it further enacted*, That any person paying to the treasurer of said society, for the use of said society, the sum of ten dollars, shall become a member thereof for life.

Annual meeting

7. *And be it further enacted*, That the annual meetings of the said society shall hereafter be held on the second Monday in May in each year.

Trustees

8. *And be it further enacted*, That the number of trustees to be chosen by the society, at and after the next annual meeting, shall be increased to fifty, who, at any legal meeting of the board, may add to their number, but so as not in the whole to exceed one hundred, exclusive of the mayor and recorder of the city, who are hereby declared to be ex officio members of the board of trustees.

Meetings of the board

9. *And be it further enacted*, That the stated meetings of the board shall be held quarterly, that is to say, on the first Fridays of February, May, August and November in each year: *Provided*, That an extra stated meeting shall be held on the Friday next following the annual meeting in each year, for the purpose of organizing the new board, and transacting any other necessary business.

1-4 to constitute a quorum

10. *And be it further enacted*, That one fourth of the whole number of trustees for the time being, shall constitute a quorum for the transaction of business at any legal meeting of the board.

School edifices to be conveyed to corporation and lease taken back

11. *And be it fnrther enacted*, That the said society is hereby authorised to convey their school edifices, and other real estate, to the mayor, aldermen and commonalty of the city of New-York, upon such terms and conditions, and in such form as shall be agreed upon between the parties, taking back from the said corporation a perpetual lease thereof, upon condition that the same shall be exclusively and perpetually applied to the purposes of education.

CHAP. 26.

AN ACT *to amend an Act, entitled "An Act establishing the Poughkeepsie and New-Paltz Ferry Company.*

Passed January 30, 1826.

Directors may declare dividends

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the directors of the Poughkeepsie and New-Paltz ferry company, shall have power to make and declare dividends of the nett profits arising from the business of said company, among the stockholders thereof, as often and at such times as the said directors shall deem proper: *Provided*, That such dividends be made and declared at least twice in every year, and that the fourth section of the act hereby amended, be and the same is hereby repealed.

Proviso

CHAP. 27.

AN ACT *for the relief of Settlers on Lands purchased by the State, of the Stockbridge Indians.*

Passed February 1, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land-office, to order a sale to each person of the lot upon which said person shall have made such improvements as by the provision of an act, entitled "An act relating to the purchase of lands from the Stockbridge Indians, and for the relief of settlers on the same," passed March 17, 1825, authorised the said commissioners to make an order of sale to such person or persons, and the sale to such persons shall be made according to the provisions of said act: *Provided,* That the commissioners of the land-office be authorised to order a new appraisal of said lots, exclusive of said improvements, if the said commissiones shall deem it for the interest of the state, and that the expense of said appraisal, with the interest on the same from the time the treaty was made with the said Indians for said lands, be added to the appraised prices of said lots: *And provided further,* That in case a new appraisal shall be made, the said settlers shall apply for the sale of said lots within thirty days from such new appraisal, and shall satisfy the said commissioners that they have paid a reasonable rent to the said Indians for said lots; and if the said settlers have not paid reasonable rent, that the said commissioners shall have the right to add to said new appraisal such further amount as shall be appraised to be reasonable for such settlers to pay, and such further allowance for rent shall be for the use of the said Indians.

Duty of commissioners of land office

Proviso

Further proviso

CHAP. 28.

AN ACT *to divide the Town of Conewango, in the County of Cattaraugus.*

Passed February 1, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the first Monday in March next, all that part of the town of Conewango, in the county of Cattaraugus, known and distinguished as townships number one and two, in the ninth range of townships, (and which form the south half of the now town of Conewango,) be and the same is hereby erected into a separate town, by the name of Randolph; and that the first town-meeting shall be held at the house of Benjamin Clark, in said town, on the first Tuesday in March next.

Town of Randolph erected

2. *And be it further enacted,* That all the remaing part of the now town of Conewango, shall be and remain a separate town, by the name of Conewango; and that the next town-meeting shall be held at the house of John Darling, in said town of Conewango.

Conewango to remain

Duty of supervisors & overseers of poor

3. *And be it further enacted*, That as soon as may be, after the first Tuesday in March next, the supervisors and overseers of the poor, of the aforesaid towns, shall by a notice to be given for that purpose, by the supervisors thereof, meet together at such place, as may be designated in such notice, and apportion the poor maintained by the said town of Conewango, and the poor money belonging to the same, previous to the division thereof, agreeably to the last tax list of said town, and that each town shall forever thereafter, support and maintain its own poor.

CHAP. 29.

AN ACT *further to amend the Act, incorporating the Utica Turnpike Road Company, and the Acts amending the same.*

Passed February 1, 1826.

Rates of toll prescribed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the president and directors of the Utica turnpike road company, instead of the rates of toll fomerly demanded in like cases, shall and may receive, at each of their gates, the following rates of toll, viz: for every wagon drawn by three horses, mules or oxen, sixty-two and an half cents; and for every additional horse, mule or ox, twelve and an half cents each, and one fifth of said rates of toll, if the tire of said wagons shall be six inches broad, or upwards: *And further*, That any person or persons who shall take, or cause to be taken off from any such wagon, any horse or horses, mule or mules, ox or oxen, when they arrive near any gate on said turnpike, or shall take round any of said gates, any carriage or carriages, horse or horses, mule or mules, ox or oxen in order to defraud said company, shall forfeit to said company, for each offence, five dollars, to be sued for and recoverd by action of debt, in the name of the treasurer of said company: *Provided*, That persons moving with their families and household furniture, shall not be subject to the above increased toll.

Penalty for defrauding company

Proviso

Exemptions

2. *And be it further enacted*, That so much of the said act of incorporation, hereby amended, as exempts persons from paying toll, who are going to, or from public worship, except it be the inhabitants of the town where the gate stands, or of the adjoining towns, who are going to, or from public worship, on the sabbath, commonly called Sunday, be and the same is hereby repealed, any law to the contrary of the provisions of this act, in any wise notwithstanding.

provision repealed

Width of road in Trenton village may be reduced

3. *And be it further enacted*, That the president and directors of said company shall be, and they are hereby authorised, at their discretion to reduce the width of the said turnpike road, in the village of Trenton, otherwise called Oldenbarneveldt, to not less than four rods.

CHAP. 30.

AN ACT *to amend the Act entitled "an Act concerning the Gospel and School Lots," passed April 2d*, 1813.

Passed February 2, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the trustees of any gospel and school lot, who now are, or hereafter may be appointed in any town or towns, in the military tract, in pursuance of any law of this state, to sell the said lots belonging to their respective towns, upon such credit as to them shall appear most for the interest of their respective towns, and to receive payment for the same whenever they shall think proper. Trustees may sell gospel & school lots in military tract

2. *And be it further enacted*, That it shall be the duty of the said trustees at all times to keep the principal monies realised from the sale of said lots, invested in loans secured by bond and mortgage upon unincumbered real estate, to double the value of the mortgage money; and for that purpose it shall be lawful for the said trustees, as often as it may become necessary, to loan the said monies upon such mortgage security, to purchase in the mortgaged premises, upon any foreclosure thereof, and from time to time, to loan any monies, and hold, dispose of and convey any lands or tenements which may become vested in them, in pursuance of their duties, as such trustees: *Provided*, That the said trustees shall always take security by bond and mortgage, for any loans made, or for the purchase monies due for lands sold by them: *And provided also*, That the rents and profits of the lands so held by the said trustees, and the interest of the monies arising from the sale thereof, shall always be applied by the said trustees according to the provisions of the act hereby amended, unless otherwise specially provided for by law. Principal monies to be invested in loans

Proviso

3. *And be it further enacted*, That the trustees of any of the said lots hereafter to be appointed, shall, before they enter upon the duties of their office, execute a bond to the supervisors of their respective towns, in such penalty and with such sureties as the said supervisors shall approve, conditioned for the faithful discharge of the trust reposed in them. Trustees to give bonds

CHAP. 31.

AN ACT *to lay out a Road from the Village of Ludlowville, in the Town of Lansing, to the Cayuga Lake, at or near the mouth of Salmon Creek.*

Passed February 3, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nathaniel Garrow, Jonathan Richmond and Archibald Greene, be and are hereby appointed commissioners to lay out a public road or highway, four rods wide, on the most direct and eligible route, from the village of Lud- Commissioners

lowville, in the town of Lansing, to the Cayuga lake, at or near the mouth of Salmon creek.

Damages assessed

2. *And be it further enacted*, That as soon as the said commissioners shall have laid out said roads, they shall cause a description thereof to be recorded in the office of the clerk of the said town of Lansing, and shall, at the same time, assess all damages which the owner or owners of any lands, tenements or hereditaments, may sustain by means of laying out and opening said road, and file the same, with the survey of said road.

Damages how paid

3. *And be it further enacted*, That before the commissioners of highways of said town of Lansing, shall proceed to open or work said road, the damages assessed by the said commissioners shall be paid to the owner or owners of the land through which said road shall be laid, and the sum or sums thus paid, shall be assessed and collected in the same manner as the damages are assessed and collected to lay out and open roads or public highways, by virtue of an act entitled, "an act to regulate highways."

Deemed a public high way

4. *And be it further enacted*, That said road laid out in manner aforesaid, shall be deemed a public highway, subject to the same rules and restrictions as highways laid out by the commissioners of highways, under, and by virtue of the act aforesaid; and that the commissioners of highways of said town of Lansing, shall cause the said road to be opened, districted and worked, in the same manner as if the same had been laid out by the said town commissioners.

Commissioners to take an oath, and notify owners of land

5. *And be it further enacted*, That each of the commissioners appointed by this act, shall, before he enters upon the duties of his said office, take and subscribe an oath, or affirmation, before a justice of the peace of the county of Tompkins, that he will faithfully and impartially perform the duties required of him, in and by this act, and that they shall at least ten days before entering upon their duties, give notice in writing to the owner or owners of lands through which said road shall pass, of the time of meeting to lay out said road.

To receive 2 dols. per day, and how paid

6. *And be it further enacted*, That each of the commissioners appointed by this act, shall receive two dollars, in full of all compensation, for each and every day's service in which he shall be employed in exploring and laying out said road, and in assessing the damages as is prescribed in this act, to be paid in the same manner that commissioners of highways are paid for their services, in laying out roads and public highways, in said town of Lansing.

1833 - 8

CHAP. 32.

AN ACT *to authorize the High School Society of New-York, to increase their Capital Stock.*

Passed February 3, 1826.

High school society to increase their capital D20,000

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the High School Society of New-York, to increase their capital stock, twenty thousand dollars, making the whole capital stock of said society

fifty thousand dollars, and that they may purchase, take, hold and enjoy any real and personal estate, for the purpose of enabling them to extend the benefits and advantages of said institution to females as well as males, such real and personal estate, not to amount in value to more than fifty thousand dollars as aforesaid, with all the rights and privileges, and subject to all the restrictions contained in an act entitled, "an act to incorporate the High School Society of New-York," passed the 4th day of April, 1825. May hold real estate for certain purposes

CHAP. 33.

AN ACT *to alter the time of holding the Annual Meeting of the Board of Supervisors in the County of Otsego.*

Passed February 3, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual meeting of the board of supervisors of the county of Otsego, shall be held on the Monday next after the annual election in every year. Annual meeting of supervisors in Otsego

CHAP. 34.

AN ACT *for the Relief of Settlers on Lot No.* 85 *in Milton, now Lansing, in the County of Tompkins; lot No.* 64, *in the Township of Cato, and lot No.* 44, *in the township of Locke, in Cayuga County.*

Passed February 3, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to issue letters patent, to such persons as shall, under colour of title bona fide obtained, be in the actual possession, and have made improvements on lot number eighty-five, in the township of Milton, (now town of Lansing) in the county of Tompkins, lot number sixty-four, in the township of Cato, and lot number forty-four in the township of Locke in Cayuga county, for the parts thereof which they respectively possess, on the terms and conditions on which letters patent are authorised to be granted to bona fide purchasers of lands in the military tract escheated to the people of this state: *Provided,* That such possessor or possessors, shall make application to the commissioners of the land-office for such grants before the first day of January next; and it shall be the duty of the surveyor general, to cause the requisite appraisements, and the further surveys to be made before the first day of September next. Commissioners of the land office, their duty in relation to certain lots in Lansing, Cato & Locke. Proviso

CHAP. 35.

AN ACT *to amend the Act entitled "an Act to annex part of the County of Steuben, to the County of Yates, and for other purposes," passed April* 6, 1824.

Passed February 3, 1826.

No suit commenced before 1st Jan. to be affected by former act

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That nothing in the act hereby amended, shall be construed to affect any suit or action in any court whatsoever, commenced previous to the first day of January, in the year one thousand eight hundred and twenty-six, so as to work a wrong, or to prejudice the parties therein, or to affect any criminal or other proceeding, on the part of the people of this state; but all such civil and criminal proceedings, shall, and may be prosecuted to trial, judgment and execution, as if the said act hereby amended, had not been passed.

CHAP. 36.

AN ACT *establishing and regulating a Ferry across Lake Champlain, in the Town of Crown Point.*

Passed February 4, 1826.

Isaac Spear authorised to keep a ferry

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Isaac Spear, of the town of Crown Point, in the county of Essex, and his assigns respectively, to set up, keep and maintain a ferry across Lake Champlain; that is to say, from the landing of the said Isaac Spear, at Putnam's Point, in the town of Crown Point to Bridgport, on the east side of the lake, for and during the term of ten years, to be computed from the first day of September next: *Provided*, That nothing in this act contained, shall be deemed or taken to impair or infringe any right or privilege heretofore granted by the legislature.

Proviso

Dock and ferry boats

2. *And be it further enacted*, That the said Isaac Spear, and his assigns, shall, if they shall set up a ferry, by virtue of this act, erect a convenient dock on the landing place, (if not already erected,) on that part of the landing of the said Isaac Spear, in the town of Crown Point aforesaid, as shall be most suitable for the purpose, and shall, during the term aforesaid, keep a good and sufficient ferry boat, capable of carrying four horses and two wagons, and ready at all reasonable times and seasons, to transport and ferry across the said lake, persons, goods and chattels.

Court to regulate ferry

3. *And be it further enacted*, That the court of common pleas of the county of Essex, in their sessions, may and shall annually order, direct and determine the several rates of the said ferry, and the several hours in each day that the boats of the said ferry shall be kept in readiness.

4. *And be it further enacted*, That if the above named Isaac Spear or his assigns, or any ferryman or person employed by him or them, shall take, exact or receive any greater or higher rates for transporting any persons, goods and chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid, limited or established; he or they so offending, shall forfeit and pay for every such offence, the sum of three dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same. Penalty

5. *And be it further enacted*, That if any person or persons shall, after the said first day of September next, set up, keep or maintain a ferry, or shall carry or transport any person or persons, goods or chattels, for hire or pay across the said lake, within one mile north of the said dock or landing place of the said Isaac Spear, other than the said Isaac Spear and his assigns, such person or persons, for every such offence, shall forfeit and pay the sum of five dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same:— *Provided always*, That nothing herein contained shall be construed to exclude any person or persons, living or inhabiting on the bank of said lake within the limits aforesaid, from the right of carrying their own goods and chattels respectively, in their own boats, without paying any rates of ferriage. Penalty on other persons for ferrying, &c. Proviso

6. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the said county of Essex, that the said Isaac Spear or his assigns, shall neglect to comply with the directions of this act by the first day of September next, in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge, that all the privileges granted to him or his assigns under this act, shall cease and be of no effect: *Provided*, That the legislature may at any time hereafter modify or repeal this act. Rights to cease in certain cases. Proviso

CHAP. 37.

AN ACT *for the Relief of Philip Hardenburgh.*

Passed February 4, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to issue letters patent to Philip Hardenburgh, for sub-division number seven, of lot number eighty-eight, in the township of Marcellus, in the county of Onondaga, on the terms and conditions, on which letters patent are authorised to be granted to bona fide purchasers of lands in the military tract escheated to the people of this state: *Provided*, That said Philip Hardenburgh shall make application to the commissioners of the land-office for such grant before the first day of January next; and it shall be the duty of the surveyor-general, to cause the requisite appraisements and the further surveys to be made before the first day of September next, unless in his opinion, it shall not be necessary to make such further surveys. Commissioners of land office to issue letters patent to Philip Hardenburgh. Condition. Proviso

CHAP. 38.

AN ACT *authorising George McClure to continue or rebuild a Dam, now erected across the Conhocton River.*

Passed February 4, 1826.

George McClure authorised to erect a dam across the Conhocton

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That George McClure is hereby authorised to erect a dam, or continue, and keep in repair, the dam lately erected by him across the Conhocton river, in the county of Steuben, about one mile and a quarter above the village of Bath, on land owned by the said George McClure, on or near lot number forty-nine, and opposite to the farm owned and occupied by John Erwin; said dam not to exceed three feet in height, for the purpose of supplying his fulling mills and carding machinery with water:

Height of dam

Proviso

Provided, That the said George McClure shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for rafts, arks and boats, common in said river, at all times during the continuance of said dam; *And provided further*, That nothing herein contained shall be construed to authorise the said George McClure to raise his dam in such a manner that shall overflow the lands of any person; and that it shall be lawful for the legislature, at any time, to repeal or modify this act.

CHAP. 39.

AN ACT *relative to the Medical Society of the County of Niagara.*

Passed February 10, 1826.

Preamble.

WHEREAS the medical society of the county of Niagara has inadvertently changed the time of holding their anniversary meeting contrary to the act, entitled "an act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state:" And whereas considerable business has been done by the said society since the altering of the time of holding their said anniversary meeting, whereby great inconvenience and mischiefs are likely to ensue: Therefore,

Former proceedings of society declared valid

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the meetings and proceedings of the said medical society, of the county of Niagara, since the changing of the time of holding their anniversary meeting as aforesaid, shall be, and are hereby declared as valid and effectual in law, as if the time of holding their annual meeting had never been altered or changed, any law to the contrary notwithstanding; and the anniversary day of the meeting of said society shall hereafter be on the first Tuesday in January.

Annual meeting

CHAP. 40.

AN ACT *to revive an Act, to incorporate the Village of Bridgewater in the County of Oneida, passed April* 21, 1825.

Passed February 10, 1826.

WHEREAS the freeholders and inhabitants residing in the village of Bridgewater, in the county of Oneida, omitted to meet the first Wednesday of May last for the purpose of choosing trustees of said village by means whereof the said act has become inoperative: Therefore, Preamble

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said act shall be, and the same is hereby revived, and that it shall and may be lawful for the freeholders and inhabitants residing within the limits of the village of Bridgewater, and who pay a tax assessed upon their real or personal property, to meet at the public house of Abraham Catlin, on the first Wednesday of May next, and then and there proceed in pursuance of the act hereby revived, to choose not less than three, nor more than five freeholders, residing within the limits of said village, to be trustees thereof, and that the said election and all future elections, shall be as valid as though the election for trustees had been regularly held on the first Wednesday of May last. Former act revived

CHAP. 41.

AN ACT *for renewing and continuing in force, an Act, entitled "an Act to incorporate the New-York Historical Society," passed February* 10, 1809.

Passed February 10, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the act entitled "an Act to incorporate the New-York Historical Society," passed February 10th, 1809, shall be, and the same is hereby revived and extended, and continued in force, until the tenth day of February, which will be in the year of our Lord one thousand eight hundred and thirty-nine: and the said act shall be taken and considered to have been in full force and effect, since the time of the passing thereof, in the same manner as if the same had not expired by its own limitation. Former act revived

2. *And be it further enacted*, That the officers last appointed by the said society or corporation, pursuant to the provisions of the said act, shall be and continue to be officers of the said corporation till others shall be duly chosen in their respective places; and the estate and property which the said society or corporation may have legally acquired, or which they may legally hold, pursuant to the said act, they may continue to hold, and may convey and dispose of the same, in the same manner as if the said act had always continued in full force and effect. Officers of society to hold until others are appointed under this act

CHAP. 42.

AN ACT *for the Relief of Daniel Wallis and Benjamin Trumbull.*

Passed February 10, 1826.

Commissioners of land office to grant patent to Daniel Wallis

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the commissioners of the land-office to grant letters patent, quit claiming to Daniel Wallis, of the town of Marcellus, his heirs and assigns, the right and title of the people of this state, in and to all that certain piece or parcel of land, being part of lot number eighty-eight in the town of Marcellus, and described in a survey and map of said lot, made by John McFadden, the fourth day of December, one thousand eight hundred and twenty, pursuant to the directions of the commissioners of the land-office, as being ten acres of land, then in the possession of Reuben Newton, upon the said Daniel Wallis paying into the treasury of this state within one year, with interest, the value of said piece of land, in the year one thousand eight hundred, according to the appraisal of Robert Earll, Samuel Tyler and John McFadden, appointed by the surveyor-general to appraise said lot: *Provided*, That said letters patent shall not be taken or deemed to bar any person or persons having claim or title to said piece of land, from recovering the same.

Proviso

Commissioners of the land office to grant patent to B. Trumbull

2. *And be it further enacted*, That it shall be the duty of the commissioners of the land-office to grant letters patent, quit claiming to Benjamin Trumbull of the town of Marcellus, his heirs and assigns, the right and title of the people of this state, in and to all that certain piece or parcel of land, being part of said lot number eighty-eight, in the town of Marcellus, and described in said survey and map, as being ninety-six hundredths of an acre of land, and marked letter A, upon the said Benjamin Trumbull's paying into the treasury of this state within one year, with interest, the value of said piece of land in the year one thousand eight hundred, according to the appraisal made as aforesaid: *Provided*, That said letters patent shall not be taken or deemed to bar any person or persons having claim or title to said piece of land, from recovering the same.

Proviso

CHAP. 43.

AN ACT *to amend an Act entitled, "an Act relative to Partnerships," passed April* 17, 1822.

Passed February 10, 1826.

14th section of former act repealed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the fourteenth section of the act entitled "an Act relative to partnerships," passed the seventeenth day of April, in the year of our Lord one thousand eight hundred and twenty-two, be and the same is hereby repealed.

CHAP. 44.

AN ACT *to incorporate the Utica Horticultural Society, in the County of Oneida.*

Passed February 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all such persons as now are, and may from time to time become members, shall be and hereby are constituted a body corporate and politic, by the name of "The Utica Horticultural Society," and by that name they shall have perpetual succession, and shall be persons capable in law, of suing and being sued, pleading and being impleaded, answering, and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, with power to change and alter the same from time to time, and shall be capable of purchasing, taking possession of, holding and enjoying to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels, and personal estate, and of selling, leasing or otherwise disposing of said real and personal estate, or any part thereof, at their pleasure: *Provided,* That the amount of said real and personal estate shall not at any time, exceed the sum of ten thousand dollars; *And provided,* That the funds of the said corporation shall be used for the benefits, and in the pursuits of Horticulture.

Corporate name and general powers

Proviso

Capital stock

2. *And be it further enacted,* That the capital stock of said society shall be ten thousand dollars, which shall be divided into shares of five dollars each.

By-laws

3. *And be it further enacted,* That the said society shall forever hereafter, have power to make, constitute, ordain and establish such by-laws and regulations, as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same, for the admission of new members, for the government of the officers and members thereof, for collecting the fines, impositions, and annual contributions from the members, for regulating the times and places of meeting of the said society, for suspending or expelling such members as shall neglect or refuse to comply with the by-laws and regulations, and for managing and directing the affairs and concerns of the said society: *Provided,* such by-laws and regulations be not repugnant to the constitution and laws of this state, or of the United States.

Proviso

Directors

4. *And be it further enacted,* That the stock, property and concerns of the said society, shall be managed by seven directors, who shall hold their offices for one year, and until others are chosen, which directors shall at all times, during their continuance in office, be stockholders in the said society in their own right; and the first election shall be held in the town of Utica, according to ten days previous notice, given in one or more of the newspapers printed in Utica, to be signed by three persons, to be chosen by the said stockholders, and who shall preside at such election.

Election

Notice how given

President, secretary & treasurer

5. *And be it further enacted,* That the officers of the said society shall consist of a president, secretary and treasurer, to be ap-

Directors how chosen

pointed by the said directors by ballot; and the said directors shall be chosen by the stockholders of said society, each share or proxy for a share, to be entitled to a vote.

Transfers how made

6. *And be it further enacted*, That all transfer of shares shall be made and entered in a book, to be by them provided, under their regulation, to be by them prescribed.

This declared a public act

7. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the same to be construed benignly and favorably for every beneficial purpose.

Legislature may repeal

8. *And be it further enacted*, That the legislature do reserve the right to alter, modify or repeal this act at any future time.

CHAP. 45.

AN ACT *relative to the Ferry, at Youngstown, in the County of Niagara.*

Passed February 14, 1826.

John Phillips to keep ferry at Youngstown

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of January next, John Phillips, his heirs or assigns shall be, and they are hereby authorised to keep the ferry at Youngstown in the county of Niagara, for and during the term of ten years, which term will expire on the first day of January, one thousand eight hundred and thirty-seven.

County court to regulate ferriage

2. *And be it further enacted*, That the court of common pleas, of the county of Niagara, shall at the next January term of the said court, and from time to time thereafter, as they shall deem equitable, regulate the rates of ferriage, to be allowed and taken at the said ferry, and no greater sum shall be taken at the said ferry, than such rate as shall be fixed by the said court.

Recognizance to be given

3. *And be it further enacted*, That the said John Phillips, shall, before the establishment of such ferry, enter into a recognizance before any judge of the said court, who is hereby authorised to take the same to be filed in the office of the clerk of the said county, in the sum of five hundred dollars, that he will at all times keep at least two good and sufficient safe ferry boats, for the transportation of such passengers, carriages, animals, produce, and other articles, as may be offered to be ferried across the Niagara river, at Youngstown, and shall at all reasonable hours, keep a sufficient number of careful and experienced men, to take charge of, and manage the said boats.

Ferry boat to be constructed, how and when

4. *And be it further enacted*, That the said John Phillips shall build, or cause to be built, on or before the first day of January, one thousand eight hundred and twenty-eight, a good and sufficient boat, so made and constructed as to be propelled either by steam or horse power, and of sufficient burthen and capacity to do and perform all the business of ferrying at Youngstown aforesaid; and shall, on or before the day last aforesaid, apply and use the said boat thus propelled by steam or horse power thereafter, as the ferry boat of the said ferry; and if the said John Phillips shall fail faithfully and properly to comply with the terms and requisitions of this

section, within the time therein limited, this act shall cease and be of no avail, and the said John Phillips, his heirs and assigns, shall forfeit all rights, privileges and immunities given, granted, or by him or them derived under and by virtue of this act. In case of failure, right forfeited

5. *And be it further enacted*, That the fourth section of the "act concerning ferries," passed April 5, 1813, be and the same is hereby repealed, the said repeal to take effect on the first day of January, one thousand eight hundred and twenty-seven. 4th section of former act repealed after Jan. 1827

CHAP. 46.

AN ACT *relating to the Estate and Will of William Irving, deceased.*

Passed February 15, 1826.

WHEREAS Ebenezer Irving and John T. Irving, executors of the last will and testament of William Irving, late of the city of New-York, deceased, have presented their petition to the legislature, representing that it was the intention of the said William Irving, that his said executors should have the disposition of his real and personal estate, for the benefit of his family, and for establishing a fund for their support, and that the said William Irving hath expressed such wish and intention in his said will, (a copy of which is annexed to the said petition,) but that he hath neglected to give power in express terms, in his said will, to his said executors to sell the said real estate; and the said executors, to be enabled with more certainty to carry into effect the object and wishes of the said William Irving, as expressed in his said will, and to be assured of conveying a perfect title to any purchaser of such real estate, have in their said petition also prayed that the legislature would pass an act, authorising them, from time to time, to sell the real estate of the said William Irving, deceased, and to apply the monies arising from the sale in the manner directed by his said will: *And whereas* the prayer of the said petition appears reasonable, and for the benefit of the estate and family of the said William Irving, deceased: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the above named Ebenezer Irving and John T. Irving, as executors aforesaid, to sell and convey such of the real estate whereof the said William Irving, deceased, died seized, as shall in their judgment be deemed advisable, and for the interest of the children of the said William Irving, deceased, thus to sell, and the proceeds of such sales shall be held and applied by them as is directed in and by the said will; and the conveyance or conveyances which shall be executed in such sale or sales, shall vest in the purchasers respectively, and their heirs and assigns, all the right, title, interest and estate which the above named William Irving, deceased, had in and to the premises thereby conveyed, at the time of his death. Executors authorised to sell

2. *And be it further enacted*, That the executors shall, before they execute the trust which they are hereby authorised to execute, Executors to give security

give security, to the satisfaction of the chancellor, for the faithful execution of the trusts with which they are invested by the said will and this act.

CHAP. 47.

AN ACT *to amend an Act entitled "An Act to provide for the incorporation of Religious Societies," passed April* 5, 1813.

Passed February 15, 1826.

Religious societies not dissolved for omitting to appoint trustees

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That if any church, congregation, or religious society, now or hereafter to be incorporated, according to the provisions of the third section of the act hereby amended, shall neglect or omit, or have neglected or omitted at their stated annual election, to choose any one of the three classes of trustees as mentioned in the sixth section of the said act, the said church, congregation, or religious society, shall not be deemed and taken to be thereby dissolved, but the trustees then or now already chosen, shall continue to hold their offices, until others be chosen in their stead: and whenever such neglect or omission shall happen, through defect of due notice or otherwise, the trustees of said church, congregation, or religious society, or a majority of them, shall immediately thereafter give notice thereof in writing, to the minister, or in case of his death or absence, to the elders or church wardens, and in case there shall be no elders or church wardens, then to the deacons or vestry men of any such church, congregation or society; and the said minister, or in case of his death or absence, one of the said elders or church wardens, deacons or vestry-men, shall, in the manner prescribed in the third section of the said act, proceed to notify the members of the said church, congregation, or society, of such neglect or omission, and appoint the time and place for the election of new trustees to remedy the same; of which election, at least fifteen days notice shall be given in the manner aforesaid. And the said election shall be held and conducted by the same persons, in the same manner, and the result be certified in like manner as is prescribed in and by the sixth section of the act hereby amended, and shall have the same force and effect as elections held under and by virtue of said section, and not otherwise.

Notice for election of trustees in certain cases how given

Elections how conducted

Society not dissolved for neglecting to appoint officers

2. *And be it further enacted,* That whenever there shall have been any omission or neglect of any church, congregation or religious society, at their stated annual meeting, to choose any of the trustees, church wardens, vestry-men or other officers, according to the provisions of the act hereby amended, such church, congregation or religious society, shall not be deemed or taken to have been thereby dissolved; but the trustees, church wardens, vestrymen or other officers then in office at the time of such omission, shall be deemed and taken to be legal officers of such church, congregation or society: *Provided,* That elections to supply such omission shall be made within one year after the passing of this act.

Proviso

Voters of society may fix day for election of officers

3. *And be it further enacted,* That it shall be lawful for the members of any church, congregation or society, qualified to vote for trustees, wardens or vestrymen, or a majority of them, at any sta-

ted annual meeting of the said members, to appoint and fix any day in the succeeding year, as the day on which the election of officers of such church, congregation or society shall be held; and the elections held on such day shall be as valid to all intents and purposes, as if the same had been made on the days formerly appointed for that purpose: and in case elections shall not be held on the days so appointed, it shall be the duty of the trustees, church wardens or vestrymen, then in office, to give the notice prescribed in the first section of this act, and to proceed according to the provisions thereof, to an election to supply all vacancies then existing.

1832-494

CHAP. 48.

AN ACT *relating to the Ferry at Black Rock, in the County of Erie.*

Passed February 15, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the court of common pleas of the county of Erie, be and are hereby authorised and directed to lease to Donald Fraser and Lester Brace, the ferry at the place at present used as a ferry at Black Rock, for five years from the first of May next. Court of common pleas to lease ferry at Black Rock,

2. *And be it further enacted*, That it shall be the duty of the said court, at the first term after the passage of this act, to affix such rates of ferriage, and from time to time to alter the same as is just and proper. and to prescribe rates of ferriage

3. *And be it further enacted*, That the court aforesaid, is hereby authorised to extend the said lease for a greater length of time, not exceeding five years, on condition that the said Donald and Lester shall within one year from the first day of May next, build a boat which shall be propelled by steam or horse power, to be used at the ferry aforesaid. May extend the lease on condition

4. *And be it further enacted*, That before the said Donald Fraser and Lester Brace shall be allowed to establish the said ferry, they shall enter into a recognizance before some judge of the court of common pleas of the county of Erie, who shall have power to take the same, to be filed in the office of the clerk of said court, in the sum of one thousand dollars, that they will at all times, keep good and sufficient boats for the transportation of such passengers, carriages, waggons and other things, as may be offered to be ferried across the said ferry, and at all times keep a sufficient number of boatman to take charge of said boats, and that they shall not be engaged in any trade or traffic, or in the exportation or importation of any goods, wares or merchandize in violation of the laws of this state, or of the United States. Recognizance to be filed with county clerk

5. *And be it further enacted*, That no ferriage shall be demanded or received for ferrying across said ferry, any of the Indians of the six nations, and that the Indians of the said six nations, applying for that purpose, shall be ferried at said ferry, free of expence, and for any violation of the fourth section of this act, the person or persons, shall be liable to indictment for a misdemeanor, and on conviction thereof, all the privileges granted by this act, shall cease. Indians to be conveyed free of expense

Violation of 4th section declared a misdemeanor

CHAP. 49.

AN ACT *for the relief of Samuel Hollister.*

Passed February 18, 1826.

Patent to be granted to Samuel Hollister.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office are hereby authorised and required to issue letters patent to Samuel Hollister, his heirs or assigns, for lot number one, in the town of Lenox, in the county of Madison, which lot contains twenty-six acres, it being part of the land lately purchased by the people of this state from the Oneida Indians, the said Hollister paying or securing to be paid therefor, the appraised value thereof, according to the provisions of the several acts for the sale of unappropriated lands: *Provided,* That the said Samuel Hollister shall prove to the satisfaction of the commissioners of the land-office, that he has acquired the right of the original purchasers in lots number sixty-eight and seventy-four, of the Oneida creek tract, adjacent to the said lot number one, or so much thereof as comprehends the ground required for conducting the waters of the Cowasselon creek to a mill site on the said lot number sixty-eight.

Proviso

CHAP. 50.

AN ACT *to amend the Act entitled "An Act relating to the purchase of Lands from the Stockbridge Indians, and for the relief of the Settlers residing on the same."*

Passed February 18, 1826.

Preamble

WHEREAS it is represented, that the appraisers appointed in pursuance of the act hereby amended, have corrected mistakes made in their report, of the appraisements by them of the New Stockbridge lands; and the commissioners of the land-office have decided that they have no authority under said act, to admit any corrections of said report after its delivery: For remedy whereof,

Com's of land office to admit corrections in certain cases

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the commissioners of the land-office to admit of the corrections, which have so been made, any thing in the said act to the contrary notwithstanding: *Provided,* That the said commissioners shall, if they deem it necessary, receive further evidence, relative to the value of the soil and improvements, and the rightful owners thereof, and the said commissioners shall in their discretion, then either direct grants to be made to the owners of the improvements, or direct either or all of the said lots to be sold by auction.

Proviso

Grant to Thomas Wainer & Wm Gardner

2. *And be it further enacted,* That the lots of land in said New Stockbridge, set by the appraisers to the names respectively, of Thomas Wainer and William Gardner, designated as coloured men, be granted to them respectively, in the manner directed by the act aforesaid, and the act entitled "an act for the relief of settlers on

lands purchased by the state, of the Stockbridge Indians," passed February 1, 1826, for the sale of said lands to the white occupants thereof.

CHAP. 51.

AN ACT *to authorise the filling of vacancies in the office of Justice of the Peace, in the Counties of Columbia and Onondaga.*

Passed February 20, 1826.

County clerk to give notice when & how

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That for the purpose of filling vacancies in the office of justice of the peace, in the counties of Columbia and Onondaga, that have occurred or may occur, either by death, removal or otherwise, it shall be the duty of the clerk of the said county, in which such vacancy does or shall exist, upon petition of the supervisor, town clerk and assessors of the said town in which such vacancy does or shall exist, or of a majority of them, stating that it is necessary that such vacancy or vacancies should be filled, to give immediate notice in writing to the supervisors of the several towns, and to the judges of the county courts of the said county, to meet together at the court house of the said county, for the purpose of filling up the said vacancy or vacancies in the said office of justice of the peace, which notice shall be served at least six days before such meeting.

Duty of judges and supervisors

2. *And be it further enacted*, That it shall be the duty of the said supervisors and judges, to convene pursuant to such notice, and when so convened, they shall proceed to fill up such vacancy or vacancies in the said office of justice of the peace, in the manner prescribed in and by the third section of the act entitled "an act regulating the time and manner of electing general state officers, justices of the peace, and prescribing the number of coroners to be elected in each county by the people," passed April 12, 1822.

CHAP. 52.

AN ACT *to establish and regulate a Ferry across the Niagara River, from Squaw Island to the Canada shore.*

Passed February 20, 1826.

H F Penfield and Ogden Edwards authorised to establish a ferry

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Henry F. Penfield and Ogden Edwards, (the proprietors of Squaw Island,) their heirs and assigns, to establish, keep and maintain a ferry, from the western shore of Squaw Island, across the Niagara river to the Canada shore, for the term of five years from the first day of May next: *Provided nevertheless*, That this act shall not in any manner or degree abridge, restrain or impair the ferry heretofore established, from the land reserved to the people of the state, at Black Rock village, nor the right of this state to establish

Proviso

any other ferries from the lands belonging to individuals, or to the people of the state of New-York, above or below Squaw Island, across the Niagara river to the Canada shore.

No ferriage to be exacted until construction of wharf & causeway, in a manner to be approved by canal commissioners

2. *And be it further enacted*, That no ferriage for the transportation of persons or property, at the ferry by this act authorised, shall be demanded or received by the proprietors thereof, until they shall have constructed, or cause to be constructed, a good wharf or landing place on the western shore of the said island; and also a good causeway or road across the said island, secure against the action and effect of the waves and freshets of the Niagara river; the site of the said wharf and road, and the manner of their construction, to be designated and approved of by either of the canal commissioners, or such other person as may hereafter be appointed by the legislature to have the superintendance of the Erie canal, whose certificate duly acknowledged before any officer authorised to take the acknowledgment and proof of deeds, and lodged at the office of the clerk of the county of Erie, and recorded, or the record thereof, shall be deemed and received as evidence of a compliance with this provision; nor until the said Henry F. Penfield and Ogden Edwards shall have entered into a recognizance to the people of the state of New-York, in the sum of one thousand dollars, to be acknowledged before any officer authorised to take the proof and acknowledgment of deeds, (who are hereby authorised to take such acknowledgment) and filed with the clerk of the county of Erie, conditioned that they shall and will at all times, from the time that tolls or ferriage are commenced to be taken at the ferry hereby established, during the continuance of this act, keep or cause to be kept, two good and sufficient boats for the transportation of such passengers, carriages, goods and chattels, as may be offered to be ferried across the said river; and provide a sufficient number of boatmen to take charge of and navigate such boats, at all times between sun rise and sun set, except when the navigation is dangerous through floating ice, or violent storms; and allowing forty minutes to the boatmen at breakfast and dinner; or otherwise provide and maintain a good horse boat; and that they will not be engaged in any trade or traffic, or in the exportation or importation of any goods, wares and merchandise, in violation of the laws of this state, or of the United States; and for a violation of the condition of the said recognizance, the persons recognized shall be liable to an indictment for a misdemeanor, and on conviction thereof, the said recognizance shall be declared forfeited, and this act shall therefore cease and determine.

Recognizance to be given

To keep sufficient boats

Not to engage in any traffic

Penalty

Rates of ferriage prescribed

3. *And be it further enacted*, That it shall and may be lawful for the proprietors of the ferry, hereby established, to demand and receive the tolls and ferriage following, to wit: For every wagon or carriage with four horses or oxen, one dollar and twenty-five cents; every wagon or carriage or sleigh, with two horses or oxen, one dollar; every wagon or carriage or sleigh, with one horse, seventy-five cents; every man and horse, eighteen cents; every score of sheep or hogs, one dollar, and the same rate for a greater or less number, and for all led or loose horses or other cattle, nineteen cents; and that the court of common pleas of the county of Erie, shall as soon as may be after the first day of May next, and from time to time thereafter, as they shall deem equitable, regulate the rates of ferriage to be allowed and taken at said ferry.

4. *And be it further enacted*, That if the said Henry F. Penfield and Ogden Edwards, or any other person keeping the ferry by this act authorised, shall exact or receive any greater or higher rates of ferriage for the transportation of persons, goods and chattels, than those fixed and limited by the third section of this act, they and each of them shall forfeit for each offence the sum of five dollars to any person who will sue for the same, before any justice of the county of Erie, or any other court having cognizance thereof. Penalty for exacting higher rates of toll

5. *And be it further enacted*, That the proprietors of Squaw island, shall cause to be constructed, and shall thereafter, during the continuance of this act, maintain and repair a draw bridge across the sloop lock in the dam at the foot of the Black Rock harbor, under the direction and control of the canal commissioners, and that nothing in this act contained, shall be construed in any manner or degree to impair or abridge the rights of the state or its agents, but they shall have power in their discretion, to regulate the public travel upon the said dam and lock, and to stop or prevent the same whenever in their opinion the interest of the state shall require it. Proprietors of Squaw island to maintain draw bridge, under control of canal commissioners

6. *And be it further enacted*, That nothing in this act shall be construed to authorise the demand or receipt of any toll or ferriage from any of the Indians of the Six Nations of Indians, but they shall be ferried or taken across the said river, free of any toll or exaction whatever; and it shall and may be lawful for the legislature of the state of New-York, at any time hereafter, in their discretion, to alter, modify or repeal this act. Indians to be ferried free of any toll

CHAP. 53.

AN ACT *to alter the place of holding the Annual Meetings of the Board of Supervisors in the County of Tioga.*

Passed February 20, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall hereafter be the duty of the board of supervisors of the county of Tioga, to hold their annual meetings alternately, at the court houses in the villages of Newtown and Owego in the said county, and that the next annual meeting of the said board of supervisors shall be held at the court house in the village of Newtown. Board of supervisors to meet alternately at Owego and Newtown

2. *And be it further enacted*, That so much of the act entitled "an act to alter the time of the annual meeting of the boards of supervisors in several of the counties of this state, and for other purposes," passed April 19, 1825, as is inconsistent with the provisions of this act, be, and the same is hereby repealed. Former act repealed

CHAP. 54.

AN ACT *to repeal certain parts of the Act entitled "an Act further to amend the act entitled, "an Act for the repacking and inspection of Beef and Pork."*

Passed February 24, 1826.

Section of former act repealed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That so much of the first section of the act, entitled "an act further to amend the act entitled an act, for the repacking and inspection of beef and pork," passed April 21, 1825, as requires any beef other than neck pieces, and other bloody pieces, to remain in salt or salt and pickle, six days before the same is inspected, and also the third section of the said act, be and the same are hereby repealed.

Section of former act revived

2. *And be it further enacted*, That the third section of the act entitled "an act for the repacking and inspection of beef and pork," passed March 12th, 1813, is hereby revived, and shall remain in full force and virtue, any thing in the act mentioned in the preceding section of this act to the contrary notwithstanding.

CHAP. 55.

AN ACT *to alter the time of holding Town Meetings in the Town of Allen, in the County of Allegany.*

Passed February 25, 1826.

Town meetings in Allen altered

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings of the freeholders and inhabitants of the town of Allen, in the county of Allegany, shall hereafter be held on the first Tuesday in March in every year, and that all town officers of the said town of Allen, whose duty it is to meet on the last Tuesday in March next, shall meet on the last Tuesday in February in every year, to do and transact such business as to their respective offices may appertain.

CHAP. 56.

AN ACT *to divide the Town of Wolcott, in the County of Wayne, into four Towns.*

Passed February 25, 1826.

Town of Rose erected

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday of April next, all that part of the now town of Wolcott, in the county of Wayne, comprehended within the following boundaries, (viz.) beginning at the south west corner of said town, and running from thence east, on the south line thereof, seven miles; thence north

five miles; thence west seven miles, or until it strikes the division line between said town and the town of Sodus; thence south, and along the east line of the town of Sodus, to the place of beginning, shall be, and the same is hereby erected into a separate town by the name of Rose; and that the first town meeting to be holden therein, shall be held on the first Tuesday of April next, at the house of Charles Thomas, in said town.

Town of Butler

2. *And be it further enacted*, That from and after the first Monday of April next, all that part of the now town of Wolcott, comprehended within the following boundaries, (viz.) beginning at the southeast corner of the aforesaid town of Rose, on the south line of the now town of Wolcott, and running from thence north six miles, one chain and seventy-six links; thence east to the division line between the now town of Wolcott, and the town of Victory; thence south on said division line to the south east corner of the said town of Wolcott; thence west on the south line thereof, to the place of beginning, shall be, and the same is hereby erected into a separate town by the name of Butler; and that the first town meeting to be holden in said town, shall be held on the first Tuesday of April next, at the house of Jacob S. Vielley, in said town.

Town of Wolcott

3. *And be it further enacted*, That from and after the first Monday of April next, all that part of the now town of Wolcott, comprehended within the following boundaries, (viz.) beginning at the northeast corner of the aforesaid town of Butler, on the east line of the said town of Wolcott; thence west along the north line of said town of Butler, to the west line of lot number fifty in Williamson's patent; thence north till it strikes Port Bay; thence through the centre of said bay to lake Ontario; thence easterly on and along the shore of said lake, to the north east corner of the now town of Wolcott; thence south along the east line thereof, to the place of beginning, shall be, and the same is hereby erected into a separate town by the name of Wolcott; and the first town meeting to be holden in said town, after the passing of this act, shall be held at the time to which the last town meeting adjourned, at the house of S. Irish, in said town.

Town of Port Bay

4. *And be it further enacted*, That all the remaining part of the now town of Wolcott, shall be and remain a separate town by the name of Port Bay; and the first town meeting to be holden in said town shall be held at the house of Josiah Upson in said town, on the first Tuesday of April next.

Duty of supervisors and overseers of the poor

5. *And be it further enacted*, That the supervisors and overseers of the poor of the aforesaid town, shall, as soon as may be, after the first Tuesday of April next, by a notice to be given for that purpose, by the supervisors of said towns, meet together at some convenient place, to be specified in such notice, and apportion the poor, and poor monies or funds of said town of Wolcott, at the time of the division thereof, according to the last tax list of said town: and each town shall forever thereafter, support and maintain its own poor.

CHAP. 57.

AN ACT *to empower the President, Directors and Company of the Catskill Mountain Association, to increase their capital stock, and for other purposes.*

Passed February 25, 1826.

Capital stock increased D15,000

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the capital stock of the Catskill Mountain Association is hereby increased, beyond the amount already subscribed and paid in, a sum not exceeding fifteen thousand dollars, and that each share of the said stock shall be twenty-five dollars; that each and every person subscribing for said stock shall, at the time he or they shall subscribe, pay to the treasurer of the said company, the sum of twenty-five dollars for each share of the said stock: and that the said directors, or a majority of them, may from time to time determine, how much of the said stock shall be subscribed for and taken up, until the whole of the said fifteen thousand dollars shall be subscribed for.

Duty of directors

Treasurer may apply monies to pay debts

2. *And be it further enacted*, That the treasurer of the said company, may apply so much of the monies which shall be paid to him on the said stock, as will be sufficient to pay the debt or debts now owing by the said corporation, and the balance of such monies in his hands shall be appropriated by the directors, or a majority of them, in enlarging the present house or hotel, now built upon the "Pine Orchard," in necessary improvements thereon, and in making or improving the road or roads which the said corporation are authorised to improve or make, or shall be by this act authorised to improve or make, and in purchasing such furniture for the said house, and such other personal property, for the benefit of the same, as the said directors may deem necessary.

Directors may use balance in improvements &c

Yearly dividends to be made

Election of directors

3. *And be it further enacted*, That it shall be the duty of the directors to make yearly dividends of so much of the profits of the "Pine Orchard," establishment, as to them or a majority of them, shall seem advisable; that hereafter the directors shall be elected on the last Tuesday in March in every year, at such time of the day, and at such place, as a majority of the directors for the time being, may appoint; and it shall be the duty of the secretary, for the time being, to cause a notice to be published in a public newspaper printed in the county of Greene, for three weeks prior to such election, of the time and place of the election of directors, and that so much of the 7th section of the act to incorporate the Catskill Mountain Association, as is inconsistent with this act, be and the same is hereby repealed.

Secretary to publish notice

Part of 7th section repealed

Road to be made

4. *And be it further enacted*, That the president and directors are hereby authorised and empowered as soon as they may deem it necessary, to make a good and sufficient road, beginning at their present turnpike road, near the house of Joshua Parmetus, and running from thence the most eligible route to the *falls*; that upon the application of the directors, or a majority of them, to the governor, he shall nominate and appoint three commissioners not interested in the said corporation, to lay out said road, whose duty it shall be to

Governor to appoint commissioners

lay the same not less than three rods wide, and cause a survey of the same to be made, and a map, which shall be filed in the clerk's office of the county of Greene; and that each of the said commissioners shall be allowed at the rate of two dollars per day, for every day they shall be employed in the same, to be paid, together with the expense of surveying and filing said map, by the said directors; that the said president and directors shall make the arch of the said road not less than twenty feet wide, and that so much of the fourth, third and sixth sections of the act entitled "an act relative to turnpike companies," as is not inconsistent herewith, shall apply to this act as far as it respects the said road.

Commissioners to receive 2 dollars per day

Road how made

5. *And be it further enacted*, That for all debts which shall be due and owing by said company, the persons composing said corporation shall be responsible in their individual and private capacity, to the extent of their respective shares, at the par value thereof, and no further, in any suit or action to be brought or prosecuted by any creditor or creditors of said corporation.

Stockholders individually responsible for debts

CHAP. 58.

AN ACT *relative to Improvements in the City of New-York.*

Passed February 25, 1826.

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful, for the commissioners of the land-office, and they are hereby directed to issue letters patent, granting to the mayor, aldermen and commonalty of the city of New-York, and their successors forever, all the right and title of the people of this state, to the lands covered with water along the easterly shore of the North or Hudson's river, contiguous to and adjoining the lands of the said mayor, aldermen and commonalty, within the said city of New-York, at and from low water mark, and running four hundred feet into the said river, from a point on the easterly shore of said river, four miles north from Bestavers Killitje, and extending therefrom north along the easterly shore of said river to Spytden Duyvel creek, otherwise called Kingsbridge creek or Harlæm river; and also all the land covered with water along the westerly shore of the East river or Sound, contiguous to and adjoining the lands of the said mayor, aldermen and commonalty, at and from low water mark, and extending four hundred feet into the said river or sound, from a point on the westerly shore of said river or sound, two miles north from Corlaer's Hook, and extending therefrom north along the westerly shore of the said East river or sound, to Spytden Duyvel creek, otherwise called Harlæm river: *Provided always*, That the proprietor or proprietors of the lands adjacent, shall have the pre-emptive right in all grants made by the corporation of the said city, of any lands under water granted to the said corporation by this act.

Com'rs of the land-office to issue letters patent to the mayor, &c. of N York, for lands under the water, contiguous to lands of corporation

Proprietors of lands adjacent to have pre-emptive right

2. *And be it further enacted*, That Tompkin's-street along the East river, as laid out and approved of by the mayor, aldermen and commonalty of the city of New-York, shall be the permanent exterior street on the East river, between Grand-street and Twenty-

Tompkins declared the exterior street on the East river

third-street; and that all grants made or to be made by the said mayor, aldermen and commonalty shall be construed as rightfully made to extend thereto, and that all the provisions of the act, entitled "an act to reduce several laws relating particularly to the city of New-York into one act," passed April 9th, 1813, and the several acts amendatory thereof, and in addition thereto, shall be construed to apply to said Tompkins-street.

CHAP. 59.

AN ACT *to continue in force an act entitled "An Act directing the mode of appointing certain officers, whose appointment is not otherwise provided for by the constitution," passed April* 19, 1823.

Passed February 25, 1826.

Former act continued

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "an act directing the mode of appointing certain officers, whose appointment is not otherwise provided for by the constitution," passed April 19th, 1823, be and the same is hereby continued in force for three years from and after the nineteenth day of April next.

CHAP. 60.

AN ACT *directing the sale of certain unappropriated Lands therein mentioned.*

Passed March 2, 1826.

Commissioners of land-office to grant certain lands to R Morse, P Thompson, R Thompson & F Jenkins

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land-office be, and they are hereby required to cause to be surveyed, and shall grant to Ralsey Morse, Preston Thompson, Roswell Thompson and Franklin Jenkins, out of the unappropriated land in the town of Lewis, in the county of Essex, each a lot not exceeding two hundred acres, to be laid out as nearly in a square as may be, so as to include their respective improvements, at such prices as shall be ascertained by appraisements to be directed by the said commissioners to be the value thereof, which grants shall be made to the above named persons on their complying with the terms and conditions on which the unappropriated lands of this state are by law directed to be sold: *Provided*, The applicants pay all the expenses of surveying and appraising said land.

CHAP. 61.

AN ACT *relative to Highways in the Towns of Greenbush, Schodack and Stuyvesant, in the Counties of Columbia and Rensselaer.*

Passed March 2, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the commissioners of highways of the towns of Greenbush, Schodack and Stuyvesant, in the counties of Columbia and Rensselaer, to compel the persons assessed, to work on the highways, living within a quarter of a mile east of the Farmer's turnpike; and all persons residing west of the same, and who elect to work upon the old or cross roads, to work the same as far as the said commissioners may order and determine; and that hereafter the commissioners and overseers of highways of the said towns, shall not be precluded from compelling the said person so electing to work the old roads, from working the old or cross roads, beyond the distance of a quarter of a mile from the said turnpike. Duty of commissioners

2. *And be it further enacted,* That if a new apportionment of the road districts in the said towns, shall be necessary to give effect to the provisions of this act, it shall be the duty of the commissioners of highways of said towns, forthwith to make such new apportionment. New apportionment

CHAP. 62.

AN ACT *regulating the Fees of Coroners in the several Cities and Counties of this State, so far as relates to the taking of Inquisitions.*

Passed March 2, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, the compensation to be paid to the coroners of the several cities and counties of this state, for taking a view of dead bodies, and all incidental expenses shall be fixed, and their accounts audited and allowed by the board of supervisors of the several cities and counties, in the same manner as other contingent expenses in said cities and counties are audited and allowed. Supervisors to audit

2. *And be it further enacted,* That so much of the act, entitled "an act regulating the fees of the several officers and ministers of justice within this state," passed April 9th, 1813, as relates to the taking of inquisitions, be, and the same is hereby repealed. Former act repealed

CHAP. 63.

AN ACT *to alter the time of holding Town Meetings in the Town of Castile, in the County of Genesee, and in the Towns of Pompey and Lysander, in the County of Onondaga.*

Passed March 2, 1826.

Town meeting altered in Castile

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the annual town-meetings of the freeholders and inhabitants of the town of Castile, in the county of Genesee, shall hereafter be held on the first Tuesday of March, in every year; and that all town officers of the said town of Castile, whose duty it is to meet on the last Tuesday in March, shall meet on the last Tuesday in February in every year, to do and transact such business, as to their respective offices may appertain.

Same in Pompey and Lysander

2. *And be it further enacted*, That the annual town-meetings in the towns of Pompey and Lysander, in the county of Onondaga, shall hereafter be held on the last Tuesday in April: and that all town officers of said towns whose duty it now is to meet on the last Tuesday in February, shall hereafter meet on the Tuesday next preceding the last Tuesday in April.

CHAP. 64.

AN ACT *to Cede to the United States the Jurisdiction of this State, to certain Lands at West-Point, in the County of Orange.*

Passed March 2, 1826.

Jurisdiction ceded to the U States

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the jurisdiction of this state, in and over the tract of land hereinafter described, be and the same is hereby ceded to the United States; that is to say, all that piece or parcel of land lying in the town of Cornwall, in the county of Orange, and bounded as follows: Begining at the north easterly corner of the piece of land herein intended to be described, at the mouth of a small creek which enters into the Hudson river near the old stores, and thence up and along the southeasterly side of the said creek, to its intersection with the northeasterly side of the road leading from West-Point to John Kronkhites; thence southeasterly along the northeastly side of the said road, to its intersection with the road which leads from West-Point southerly to the widow Kinsleys; thence from said point of intersection due south to a point seven chains south of the line which divides the Gridley farm from the post of West-Point; and from thence south eighty-one degrees east, to the Hudson's river, on a line parallel with the said division line; and from thence northwardly along the low water mark of the said river, to the place of beginning, containing two hundred and twenty acres or thereabouts: *Provided nevertheless*, That such jurisdiction so ceded as aforesaid, shall not extend or be construed to extend, so as to impede or prevent the execution of any process, civil or

Proviso

criminal, under the authority of this state, except so far as such process may affect the real or personal property of the United States, within the said above described tract of land.

CHAP. 65.

AN ACT *to repeal the second section of the act entitled "An Act for the preservation of Fish, in the Crooked Lake, in the Counties of Steuben and Yates."*

Passed March 2, 1826.

Former act repealed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the second section of the act entitled "an act for the preservation of fish in the Crooked Lake, in the counties of Steuben and Yates," passed April 1, 1824, which prohibits fishing in the Seneca Lake, be, and the same is hereby repealed.

CHAP. 66.

AN ACT *to amend the Act, declaring a part of Flint Creek, in the County of Ontario, a Public Highway, passed April* 14, 1815.

Passed March 2, 1826.

Former act repealed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That so much of the act entitled "an act declaring part of Flint creek, in the county of Ontario, a public highway," passed April 14, 1815, as relates to that part of the said creek which lies between Edward Craft's mill dam, in the town of Gorham, (now the mill dam of Samuel Stewart, and of the heirs of George D. Stewart,) and the mill dam of Leonard Isenhorn, in the town of Seneca, now occupied by Robert M. Kane, be, and the same is hereby repealed.

CHAP. 67.

AN ACT *authorising the Supervisors of the different Towns in this State to take and hold Lands for Burial Grounds.*

Passed March 8, 1826.

Supervisors to hold lands in trust

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the supervisors of the different towns in this state, for themselves and their successors in office, to receive, by gifts or donations in trust, for their several towns, lands for burial places or public cemeteries; and that such lands shall be and remain the property of the town in which such burial place or cemetery shall or may be situated, for the use and convenience of the inhabitants of such town.

Title to vest in supervisor in certain cases

2. *And be it further enacted*, That whenever the inhabitants of any town in this state have become entitled to any cemetery or burying ground by long usage, and in all cases where no person or persons are authorised and empowered to sue and prosecute for any injury or trespass committed upon any public cemetery, then, and in such case, the title to the said cemetery shall vest, and is hereby vested in the supervisor of the town in which the same may be situated, for the uses and purposes in the preceding section mentioned.

CHAP. 68.

AN ACT *to revive and continue in force the act entitled "An Act to incorporate the Oneida Manufacturing Society," passed March* 9, 1810.

Passed March 8, 1826.

Charter revived

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the charter of the Oneida manufacturing society be, and the same is hereby revived from the ninth day of March, one thousand eight hundred and twenty-five, and shall continue in force for the period of fifteen years from the said ninth day of March.

Acts of trustees to be valid

2. *And be it further enacted*, That all acts and proceedings of the trustees and agents of said incorporation, since the expiration of said charter, within the purview of the former charter, shall be valid and binding on said corporation, and all other persons, as if the said incorporation had not expired, and this act and the act hereby revived, are to be so construed as to give a continued effect to the act of incorporation.

Rights secured

3. *And be it further enacted*, That this act, and the rights and privileges herein granted and revived, shall be deemed to be taken, subject to the right of the legislature at any future time or times hereafter, to alter, modify or repeal the same.

Liability of stockholders

4. *And be it further enacted*, That the stockholders of the said corporation shall be liable, jointly and severally, in their individual capacities, for the payment of all debts which shall hereafter be contracted by the said company, to the nominal amount of their stock

Proviso

respectively: *Provided* payment of such debt shall have been previously demanded of the proper officers of the said company, and

Further proviso

the same shall have been refused or neglected: *And provided also*, That the said company shall also be liable to be prosecuted as a corporation for such debts.

Transfers

5. *And be it further enacted*, That no transfer of any stock in said corporation shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors thereof for that purpose, which book or books shall at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any bond, bill or other evidence of claim against said company or association, the payment

Penalty

of which shall have been refused; and in case any officer of said corporation having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit

the sum of two hundred and fifty dollars, the one moiety thereof to the people of this state, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of such suit.

CHAP. 69.

AN ACT *to incorporate the New-York Crown Glass Manufacturing Company.*

Passed March 8, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Andrew Sitcher, Joseph Shelburgh, Richard L. Walker, and all such persons as now are, or hereafter may become stockholders of the said company, shall be, and they are hereby created a body corporate and politic, in fact and in name, by the name of the "New-York Crown Glass Manufacturing Company;" and by the said name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and wheresoever; and also of contracting and being contracted with, relative to the funds of the said corporation, and the business and purposes for which the said corporation is hereby created, as herein after declared; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided,* That the real estate so to be holden, shall be such only as may be requisite for its accommodation in the transaction of its business, or which shall have been bona fide mortgaged to it by way of security for loans or contracts, or which shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or which shall have been purchased by the said company or its agents, at sales upon judgments which shall have been obtained for debts due to the said company. Corporation created. Proviso

2. *And be it further enacted,* That the corporation hereby created, is for the purpose of manufacturing crown, window, cylinder and other glass ware, within this state, and for no other purpose whatever. For what purpose

3. *And be it further enacted,* That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed for and paid in, to commence their said business, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do from time to time, to the amount herein before mentioned. Capital stock

Duty of commissioners

4. *And be it further enacted*, That the subscriptions to the said stock shall be opened and kept open under the direction of Richard L. Walker, Andrew Sitcher and Joseph Shelburgh, or any two of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such day and at such place in the city of New-York as they shall appoint, giving at least fourteen days notice of such time and place for receiving subscriptions, in at least two of the public newspapers printed in the city of New-York; and that the sum of five dollars on each share shall be paid to the said commissioners, on such subscriptions as they shall receive as aforesaid; and in case the amount of one hundred and fifty thousand dollars of the stock should not be taken on said day, then the said commissioners or a majority of them are authorised, on such other day or days, and at such place or places as they shall from time to time appoint, to receive further subscriptions, until the whole required capital stock shall have been subscribed for and taken.

Directors

5. *And be it further enacted*, That the stock, property and concerns of the said corporation, shall be managed and conducted by nine directors, one of whom to be president, who may respectively hold their offices for one year, or until others may be chosen, and no longer; and that the said board shall be elected by such of the stockholders as shall attend for that purpose, either in person or by proxy, on such day and at such place as shall be designated by the said commissioners, or a majority of them, appointed in and by the preceding section of this act; and the said commissioners are hereby appointed inspectors of the said election; and the said board then chosen, shall hold their offices until the second Tuesday of June, in the year eighteen hundred and twenty-seven, and until others shall be elected in their stead: and the said directors, after the said term thereof shall have expired, shall be chosen annually on the second Tuesday of June in each year, and at such place within the city and county of New-York, as a majority of the directors may prescribe, of which election notice shall be given at least fourteen days previous, by publication in two of the daily papers in the county of New-York; and such election shall be holden under the inspection of three stockholders, to be appointed by the directors for the time being, and shall be made by ballot, by a plurality of votes, allowing one vote for every share, and the stockholders not present may vote by proxy.

Election

6. *And be it further enacted*, That in case it shall at any time happen, that an election of directors should not be made on any day when, pursuant to this act it ought to have been made, the said corporation shall not, for that cause be deemed to be dissolved, but it shall and may be lawful (so far as the laws of this state for the time being shall allow,) on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Stock transferable

7. *And be it further enacted*, That the stock of the said corporation shall be assignable and transferable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property.

By-laws

8. *And be it further enacted*, That the directors for the time being, or a majority of them, shall form a quorum for the transaction

of all the business of the corporation, and shall have power to make all such by-laws, rules and ordinances, not repugnant to the laws and constitution of the United States, or of this state, as to them shall appear needful and proper for the management and disposition of the stock, property, estate and effects of the said corporation.

Transfer to be registered, &c

9. *And be it further enacted*, That no transfer of any stock in said company shall be valid, until the same shall have been registered in a book or books, to be kept for that purpose; which book or books shall, at all reasonable hours of transacting business, be open to the examination of any stockholder, or person having any demands against the said company, the payment of which shall have been refused; and in case any officer of said company, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars: the one moiety whereof to the people of this state, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of such suit.

Duration of corporation

10. *And be it further enacted*, That the duration of the corporation created by this act, shall be twenty-one years, and no longer.

A public act

11. *And be it further enacted*, That this act shall be deemed and taken to be a public act, and the same shall be construed benignly and favorably, for every purpose therein intended; and that the legislature shall have the power to alter, modify, amend or repeal this act.

Stockholders responsible

12. *And be it further enacted*, That the stockholders of the said corporation, shall be holden in their individual capacities responsible, jointly and severally for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively; and any person having any demand against the said company, may sue any stockholder thereof, and recover in any court having cognizance thereof: *Provided*, Such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also*, That the said company shall be liable to be prosecuted as a corporation for any such demand.

Proviso

Restrictions

13. *And be it further enacted*, That the said corporation shall not be concerned either directly or indirectly, in any banking or insurance operations, or the purchasing, discounting or loaning of any bonds, bills, notes or any negotiable paper whatsoever, or in the buying or selling, or the receiving in hypothecation of any stock of any incorporated company.

CHAP. 70.

AN ACT *in addition to an Act, entitled "An Act for the Relief of Benjamin Sanborn," passed March* 21, 1825.

Passed March 8, 1826.

Time extended

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said Benjamin Sanborn shall have four years from the passing of the aforesaid act, to erect the building therein mentioned, instead of two years, any thing in that act to the contrary notwithstanding.

CHAP. 71.

AN ACT *establishing and regulating a Ferry across Lake Champlain, at Long Point, in the Town of Crown Point.*

Passed March 8, 1826.

S Foot, jun. authorised to keep a ferry

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Samuel Foot, junior, of the town of Crown Point, in the county of Essex, and his assigns respectively, to set up, keep and maintain a ferry across Lake Champlain; that is to say, from the landing of the said Samuel Foot, junior in the town of Crown Point, to Stone's ferry (so called) on the east side of the lake, for and during the term of ten years, to be computed from the first day of September next.

To keep a good boat

2. *And be it further enacted*, That the said Samuel Foot, junior, and his assigns shall, during the term aforesaid, keep a good and sufficient ferry boat, capable of carrying four horses and two wagons, and ready at all reasonable times and seasons to transport and ferry across the said lake, persons, goods and chattels.

Rates of ferriage

3. *And be it further enacted*, That the court of common pleas of the county of Essex, in their sessions, may and shall annually order, direct and determine the several rates of the said ferry, and the several hours in each day that the boats of the said ferry shall be kept in readiness.

Penalty

4. *And be it further enacted*, That if the above named Samuel Foot, junior, or his assigns, or any ferryman or person employed by him or them, shall take, exact or receive any greater or higher rates for transporting any persons, goods and chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid, limited or established, they so offending, shall forfeit and pay for every such offence, the sum of three dollars, to be recovered in any court within this state having cognizance thereof, by any person who shall sue for the same.

No other person to transpost, &c

5. *And be it further enacted*, That if any person or persons shall, after the said first day of September next, set up, keep or maintain a ferry, or shall carry or transport any person or persons, goods or chattels, for hire or pay across the said lake, within sixty rods north and forty rods south of the store house of the said Sam-

uel Foot, junior, upon Long Point, across the waters of lake Champlain, other than the said Samuel Foot, junior, or his assigns, such person or persons for every such offence shall forfeit and pay the sum of five dollars, to be recovered by any person who shall sue for the same: *Provided always*, That nothing herein contained shall be construed to exclude any person or persons, living or inhabiting on the bank of said lake within the limits aforesaid, from the right of carrying their goods and chattels respectively, in their own boats, without paying any rates or ferriage. Proviso

6. *And be it further enacted*, That if it shall appear upon sufficient evidence to the court of common pleas of the said county of Essex, that the said Samuel Foot, junior, or his assigns, shall neglect to comply with the directions of this act in keeping the ferry aforesaid, it shall and may be lawful for the said court to adjudge, that all the privileges granted to him and his assigns under this act, who shall be so in default, shall cease and be of no effect. Rights to cease in case of neglect

CHAP. 72.

AN ACT *to increase the number of the Members of the Fire Department in the City of Hudson.*

Passed March 9, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be added to the fire department of the city of Hudson, twelve tub and hose men, and twelve hook and ladder men, who shall be entitled to the same privileges and immunities, and subject to the same liabilities and regulations as the firemen of the said city. Addition to fire department

CHAP. 73.

AN ACT *to erect a new Town from parts of the Towns of Thompson and Nevisink, in the County of Sullivan.*

Passed March 9, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passage of this act, all those parts of the towns of Thompson and Nevisink, in the county of Sullivan, comprehended within the following boundaries, that is to say: Beginning at the north east corner of the said town of Thompson, on the line of Ulster county, and running thence southwardly, along the west line of the town of Mamakating, to the southwardly boundary line of great lot number one, in the Hardenburgh patent; thence westwardly along the said southwardly line of the said great lot number one, to the middle of the Nevisink river; thence northwardly along the middle of the said river, to the south line of division number nineteen of said great lot number one; thence westwardly along said south line of the said division, to the south west corner thereof; thence northwardly along the west bounds of divisions numbers nineteen, twenty, twenty-one, twenty- Town of Fallsburgh erected

two and twenty-three, to the south line of great lot number two in the patent aforesaid; thence westwardly along the aforesaid south line, to the southwestwardly corner of division number three in said great lot number two; thence northwardly along the west line of said division number three to the line of the town of Liberty; thence along the present boundary lines of the towns of Thompson, Liberty and Nevisink, to the northwest corner of division number three in the third allotment of great lot number three in the patent aforesaid; thence eastwardly along the north line of said division number three to the west bounds of the farm of Thomas Hardenburgh; thence along the northwardly and westwardly bounds of the said farm, to the north line of great lot number three above mentioned; thence eastwardly along said north line, to the boundary line of Ulster county; thence southwardly and eastwardly along said boundary line, to the place of beginning, shall be, and is hereby declared and constituted a separate town by the name of Fallsburgh; and that the first town-meeting to be held in and for the said town, shall be held at the school house near the Nevisink falls, on the first Tuesday of April next, and that the annual town-meetings of the said town shall be held on the first Tuesday of March in each and every year thereafter.

Town of Thompson

2. *And be it further enacted*, That all that part of the said town of Thompson, not comprehended within the boundaries herein before mentioned, shall be and continue a separate town, by the name of Thompson; and all that part of the said town of Nevisink, not comprehended within the said boundaries, shall be and remain a separate town by the name of Nevisink.

Nevisink

Duty of supervisors and overseers of poor

3. *And be it further enacted*, That as soon as may be after the first town-meeting shall have been held in the said town of Fallsburgh, and upon ten days notice being given, the supervisors and overseers of the poor of the said towns of Thompson, Nevisink and Fallsburgh, shall meet together at the place of holding the town-meeting in the said town of Fallsburgh, and shall divide the money and poor belonging to the said towns of Thompson, Nevisink and Fallsburgh in proportion to the last tax list, as the same shall have been assessed upon the inhabitants living within the boundaries of the said towns respectively.

Justices

4. *And be it further enacted*, That the justice or justices of the peace appointed or to be appointed according to law, and residing within the limits of the said town of Fallsburgh, shall be justices of the peace of the said town, in the same manner as if they had been specially appointed for the said town.

CHAP. 74.

AN ACT *relating to the State Prison now building at Mount Pleasant, in the County of Westchester.*

Passed March 11, 1826.

Commissioners authoris'd to remove convicts

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever any convict employed, or to be employed in erecting the state prison at Mount

Pleasant, shall by reason of sickness, indisposition or infirmity, be incapable of performing his daily labour, the commissioners appointed for the erecting of said prison, shall be authorised to cause such convict to be removed to the state prison at New-York, and the agent or keeper of said prison is hereby directed to receive such convict, and treat him as other convicts are treated in such cases.

Discharged convicts

2. *And be it further enacted*, That it shall be lawful for said commissioners to pay to any convict employed at Mount Pleasant as aforesaid, who may be discharged by pardon or otherwise, such sum of money as they may deem proper and necessary, not exceeding the sum of three dollars.

Exemptions of agent, &c

3. *And be it further enacted*, That the agent, keeper, guards and all other officers employed by said commissioners, in erecting the prison aforesaid, shall, while so employed, be exempted from jury and military duty.

CHAP. 75.

AN ACT *to enlarge the present Term of the Supreme Court.*

Passed March 11, 1826.

Term continued

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the present February term of the supreme court may be continued by the justices of that court, at the capitol in the city of Albany, one week beyond the time now allowed by law: *Provided*, That this act shall not warrant the teste or return of process, otherwise than as heretofore.

Proviso

CHAP. 76.

AN ACT *to enable Sarah Edwards, wife of Timothy Edwards, to take, hold and convey Real Estate.*

Passed March 14, 1826.

S Edwards to hold a certain lot

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That Sarah Edwards, the wife of Timothy Edwards, now residing in the state of Georgia, shall be, and she is hereby enabled to take, hold and convey lot number five hundred and seventy-three, containing two hundred and seventy-three acres of land, being part of a tract of land in the county of Broome, granted on the seventh day of November, one thousand seven hundred and eighty-seven, to Samuel Brown and his associates, in like manner as if the said Sarah Edwards was a natural born citizen.

CHAP. 77.

AN ACT *to incorporate the New-York House Carpenters' Architectural and Benevolent Association.*

Passed March 14, 1826.

Preamble

WHEREAS an association has been formed in the city of New-York, for the purpose of instituting and maintaining practical lectures applicable to architecture, and for collecting and forming a repository of apparatus, books, drawings, and generally for enlarging the knowledge and improving the condition of house carpenters in the city of New-York, and for benevolent purposes: Therefore,

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Joseph Clarke, William Tillemore, Samuel S. Barnes, John Palmer, Henry Townsend, jun. Erastus Hosmer, Clement Jones, Gabriel M. Baldwin, John G. Hedden, William H. Barnes, David Strong, John Clawson and their associates, shall and are hereby created a body politic and corporate, in fact and in name, for the purposes expressed in the preamble of this act, and for no other uses or purposes whatever, by the name and style of the "New-York House Carpenters' Architectural and Benevolent Association," until the second Tuesday in January, one thousand eight hundred and fifty-seven; and by this name they and their successors shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have and use a common seal, and change and alter the same at pleasure, and shall be in law capable of purchasing, holding and conveying any estate, both real and personal, for the public use of said corporation: *Provided*, That the amount of real and personal estate which the said corporation are hereby authorised to hold, shall not at any one time exceed a capital, the interest or revenue derived from which shall be more than three thousand dollars per annum.

Title

General powers

Proviso

Officers

2. *And be it further enacted*, That Joseph Clarke, shall be president of said corporation, William Tillemore, vice president, Samuel S. Barnes, secretary, John Palmer, assistant secretary, Henry Townsend, jun. treasurer, and Charles Tooker, doorkeeper, who shall hold their offices respectively, until the second Tuesday in January, one thousand eight hundred and twenty-eight, or until others shall be chosen, and Erastus Hosmer, Clement Jones, Gabriel M. Baldwin, John G. Heddin, William H. Barnes, David Strong, John Clawson and John J. White, directors; and the said directors shall as soon as may be after the passage of this act, divide themselves into two classes, one of which classes shall serve until the second Tuesday in July ensuing, and the other class shall serve until the annual election, or until others shall be chosen: *Provided*, The failure of any election as defined in this act shall not be construed to dissolve the said corporation, but it shall and may be lawful to hold said elections on such succeeding day or days as the by-laws shall have determined.

Proviso

3. *And be it further enacted*, That the said corporation and their successors shall have full power to make and prescribe such by-laws, rules and regulations, as to them shall from time to time appear necessary, touching any matter or circumstance pertaining to said corporation: *Provided*, That such by-laws, rules and regulations, shall in no wise contravene or be repugnant to the provisions of this act, or to the constitution and laws of this state or of the United States. By-laws Proviso

4. *And be it further enacted*, That the members of this incorporation shall not, at any meeting of the said corporation, pass any resolve, motion, by-law, rule or regulation, which shall in any manner controul or fix the price of Carpenters wages in the city of New-York, or shall restrain any member from receiving or paying such wages as he or they may deem proper. Wages

5. *And be it further enacted*, That this act be, and is hereby declared to be a public act, and that the same shall be favorably construed in all courts for every beneficial purpose contained therein, and that the legislature may at any time hereafter alter, amend or repeal this act. Public act; and may be repealed

CHAP. 78.

AN ACT *to divide the Town of Ossian, in the County of Allegany, and to correct the Orthography of the Name of the Town of Hampden, in the County of Delaware.*

Passed March 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passage of this act, all that part of the town of Ossian, in the county of Allegany, viz. township No. five in the seventh range of townships, in Morris' reserve, in the aforesaid county, shall be, and is hereby erected into a separate town by the name of Burns; and that the first town meeting shall be held at the house of Richard Carroll, in said town, on the first Tuesday of April next. Town of Burns erected

2. *And be it further enacted*, That all the remaining part of the said town of Ossian shall be and remain a separate town by the name of Ossian: and that the next town meeting shall be held at the school-house in the centre of said town. Ossian

3. *And be it further enacted*, That as soon as may be after the first Tuesday in April next, the supervisors and overseers of the poor of the aforesaid towns shall, by notice to be given for that purpose by the supervisors thereof, meet together and apportion the poor maintained by the said town of Ossian, and the poor-money belonging to the same previous to the division thereof, agreeable to the last tax list, and that each town shall forever thereafter support its own poor. Supervisors and overseers of the poor to meet, &c.

4. *And be it further enacted*, That the town of Hampden, in the county of Delaware, shall be known and spelled by the name of Hamden. Hamden

CHAP. 79.

AN ACT *authorising Luther Thurstin and Virgil Whitney to erect a Dam across the Susquehannah River.*

Passed March 17, 1826.

E Thurstin & V Whitney to continue dam

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Luther Thurstin and Virgil Whitney, their heirs and assigns, to maintain and continue their dam across the Susquehannah river, in the town of Conkling, in the county of Broome, and between lots number four and seven in Bingham patent, so called: *Provided*, That there shall be constructed and maintained in said dam a sluice way of such dimensions as not to obstruct the free passage of boats, arks and rafts in descending said river in common rafting freshets.

Proviso

To be inspected

2. *And be it furter enacted*, That the said Luther Thurstin and Virgil Whitney shall cause said dam to be inspected by three of the judges of the court of common pleas of the county of Broome, and if the said judges shall make their written certificate, stating that said sluice-way is so constructed as not to obstruct the free passage of boats, arks and rafts, in descending said river in common rafting freshets, such certificate shall be conclusive evidence in all courts of justice to bar a recovery in any suit or suits brought to recover damages for any injury done to any boat, raft or ark, upon or by reason of said dam: *Provided however*, That such certificate shall be operative for the purpose aforesaid, only so long as said sluice-way shall be maintained substantially, the same as when such inspection shall be made as aforesaid.

Right to repeal reserved

3. *And be it further enacted*, That it shall and may be lawful for the legislature, at any time hereafter, to alter, modify or repeal this act, without being liable to pay any damages in consequence of any right hereby granted.

CHAP. 80.

AN ACT *authorising the building a Fire Proof Clerk's Office in the County of Erie.*

Passed March 17, 1826.

Duty of supervisors

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Erie be, and they are hereby authorised, at their next annual meeting, to appoint commissioners to purchase a suitable site or piece of land in the town of Buffalo, and erect thereon a fire proof clerk's office, as a majority of the said supervisors shall direct; and it shall be the duty of the said supervisors to audit their accounts, and order the treasurer of said county to pay over to said commissioners such sum or sums as the said supervisors shall from time to time direct, out of any money not otherwise appropriated, and the treasurer of said county is hereby authorised to pay over the same.

2. *And be it further enacted*, That for the above purposes the said supervisors are hereby authorised to raise a sum not exceeding one thousand dollars, to be raised and levied on the freeholders and inhabitants of the said county of Erie, which sum shall be raised and collected in the same manner as other contingent charges of said county are raised, levied and collected. Money to be raised

3. *And be it further enacted*, That when the said clerk's office shall be completed, all the books, records and public papers shall be removed thereto, and the same shall thereafter be the clerk's office for the county of Erie. Records to be deposited

CHAP. 81.

AN ACT *to amend an Act entitled "An Act for the relief of John Thayer and Samuel Learned," passed April* 21, 1825.

Passed March 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the canal fund, and they are hereby directed to pay to the said John Thayer, such sum or balance as may be found due on a note dated twentieth October, one thousand eight hundred and twenty-three, for one thousand six hundred and thirty-nine dollars and twelve cents, given to the said Thayer by Myron Holley, as treasurer of the canal commissioners, and on which the sum of five hundred dollars has been paid by the said Myron Holley. Commissioners of canal fund to pay note given by M Holley

2. *And be it further enacted*, That it shall be the duty of the comptroller to charge to the account of the said Myron Holley, in his account with the state, such sum as shall be paid, with such explanations as shall show that the account has been previously credited to the said Myron Holley erroneously, by means of false or mistaken vouchers. Comptroller to charge the same to M Holley

3. *And be it further enacted*, That the act aforesaid entitled "an act for the relief of John Thayer and Samuel Learned," passed April 21, 1825, be and the same is hereby repealed. Former act repealed

CHAP. 82.

AN ACT *relating to the Village of Newburgh, in the County of Orange.*

Passed March 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the trustees of the village of Newburgh, and their successors in office, yearly and every year, by writing under their hands and the corporate seal of the said village, to grant to the several grocers who shall reside within the said village, and who shall apply for the same, a licence to retail strong or spirituous liquors under five gallons, to be drank in his, her or their house or store only, which said respec- Trustees to grant licence

tive licences shall continue in force from the time of granting the same until Wednesday next after the first Tuesday in May next ensuing the date thereof, and no longer.

Amount to be paid and its application

2. *And be it further enacted*, That the said trustees shall determine the sum of money which each person applying for such licence shall pay for the same, not being less than ten dollars, nor more than twenty-five dollars, which with the sum of twenty-five cents to the clerk of the said board of trustees for making out the said licence, and the sum of twenty-five cents to the officer who shall take the recognizance herein after mentioned, shall be paid to the said trustees by the person applying for such licence, before the same shall be granted as aforesaid; and the said trustees are required to keep an account of the persons to whom such licences shall be granted, and of the sums of money paid by them therefor, which said money shall be paid without delay to the treasurer of the said village, and expended by the said trustees in the payment of any debt or debts now due and owing, or hereafter to grow due and owing from the said trustees of the village of Newburgh, and in defraying the contingent expenses thereof.

Recognizance to be entered into

3. *And be it further enacted*, That each and every person so to be licensed to retail strong and spirituous liquors as aforesaid, shall, previous to or at the time of receiving such licence as aforesaid, enter into a recognizance to the said trustees of the village of Newburgh, in the sum of one hundred and twenty five dollars, conditioned that such person or persons will not, during the time that such person shall sell liquor as aforesaid, keep a disorderly house, sell, or suffer to be sold any liquor, cider, ale, beer or any other drink upon the first day of the week, commonly called Sunday, or suffer or permit, during the time aforesaid, any cock fighting, gaming or playing with cards or dice, raffling or hustling, or keep a shuffle board, billiard table or other gaming table within his, her or their store, grocery, house, out house, yard or garden, which said recognizance shall be entered into before any justice of the peace in and for the county of Orange, and may be prosecuted for any breach of the condition thereof by the said trustees, in the name of the trustees of the village of Newburgh, in any court having cognizance thereof; and the same when recovered shall be paid to the treasurer of the said village, and appropriated for the same purposes as the monies arising from grocers licences are by this act directed to be appropriated.

Rights of commissioners of excise

4. *And be it further enacted*, That nothing in this act contained shall be so construed as to interfere with the rights of the commissioners of excise of the town of Newburgh to grant licences to retail strong or spirituous liquors, but they shall continue to exercise the same powers, and be entitled to exact the same sums of money for granting such licences, as if this act had not been passed.

Licenses heretofore issued to be valid

5. *And be it further enacted*, That all licences issued to grocers by the said board of trustees during the year one thousand eight hundred and twenty-five, together with the recognizance entered into by the grocers aforesaid, at the time of obtaining the said licences, shall be as valid and effectual in every respect as if the same had been granted subsequent to the passage of this act, any law or regulation to the contrary notwithstanding.

6. *And be it further enacted*, That the third and fourth sections of the act, entitled "an act relative to the village of Newburgh," passed April 4, 1820, be and the same are hereby repealed. Former act repealed

7. *And be it further enacted*, That the said board of trustees be, and are hereby constituted and declared commissioners of highways in and for the said village of Newburgh, and shall possess the same powers and perform the same duties as are possessed and performed by commissioners of highways of towns in this state; and the said board of trustees shall, from time to time, and once at least in every year, appoint so many overseers of streets, roads and highways as they shall deem necessary to carry into effect the provisions of this act, which said overseers of streets, roads and highways, when so appointed as aforesaid, shall possess all the powers and perform all the duties which overseers of highways for towns possess and perform, in and by the act, entitled "an act to regulate highways," and the several acts supplementary thereto. Power of trustees

8. *And be it further enacted*, That the village of Newburgh shall be considered as a town for all the purposes intended by this act, and by the act entitled "an act to regulate highways," and the several acts supplementary thereto. Newburgh considered a town

9. *And be it further enacted*, That the said board of trustees shall yearly, and once in each and every year, and as soon after the annual election as conveniently may be, assess the freeholders and inhabitants of the said village of Newburgh to work on the public roads and highways, such number of days work as the said trustees shall deem just and right, to be determined by the said trustees in proportion to the estate and ability of each and every person so to be assessed as aforesaid, which said assessment shall be made out in a book to be provided for that purpose, and signed by the said trustees or a majority of them, and filed of record in the office of the clerk of the said village: *Provided always*, That no person shall be assessed more than thirty days, nor less than one day, in any one year. Assessments on highways — Proviso

10. *And be it further enacted*, That the assessment to work on the highways directed to be made in and by this act, shall be paid in money instead of work on the highways, at the rate of sixty-two and a half cents for each day's work, and the same shall be collected of the several persons assessed, by the collector of the said village, by virtue of a warrant to be issued by the said board of trustees under their common seal, in the same manner as other taxes are by law collected in the county of Orange, and paid to the treasurer of the said village, to be expended in making and keeping in repair the roads and highways of the said village, in such manner as the said board of trustees shall judge most beneficial to the public. Assessments to be paid in money

11. *And be it further enacted*, That all monies and sums of money to be raised in the town of Newburgh for the purpose of erecting and repairing bridges, shall be assessed as well upon the village of Newburgh, as upon the other part of the said town of Newburgh; but it shall be the duty of the commissioners of highways in and for the said town of Newburgh, yearly and every year, whenever the same shall come to their hands, to pay to the said trustees of the village of Newburgh the one fourth part of such sum or sums of money so to be raised for the erection and repair of bridges within the said town of Newburgh as aforesaid, which said money the said Assessments for bridges

trustees shall expend in the erecting and repair of bridges within the said village of Newburgh, and for no other purpose.

Duty of justices in relation to opening & paving streets

12. *And be it further enacted*, That it shall and may be lawful for the said board of trustees, whenever they shall deem it expedient that a street or streets, section or sections of a street or streets in the said village should be paved or improved, to call a meeting of the owners and occupants of the lots of ground fronting on the said street or streets, section or sections thereof, intended to be paved or improved, and also the owners and occupants of lots of ground which may be in the opinion of the said trustees benefited or injured by such proposed improvement, at some convenient place in the said village, by causing a notice, in which shall be expressed the objects of the said meeting under the hands of the said trustees or a major part of them, to be published for two weeks successively in a public newspaper printed in the county of Orange, and cause a copy thereof to be set up at three public places in the said village, at least six days previous to the said meeting; and the said owners and occupants, or the major part of them, in open meeting voting or assenting to the paving or improving of the same, it shall and may be lawful for the said trustees, their successors or a majority of them, by warrant to be by them issued for that purpose, to direct the assessors of the said village to ascertain, assess and appraise the damages which the said owners of the lots of ground aforesaid may respectively sustain by reason of such improvement as aforesaid; and also to assess upon property to be in the opinion of the said assessors benefited by such improvement a sum of money sufficient to pay the damages so appraised as aforesaid, together with such sum to be expressed in the said warrant as may be sufficient to defray all the expenses and costs of such improvement so to be made as aforesaid, which said last mentioned assessment shall be assessed upon the owners and occupants of all property benefitted by such improvement, in proportion to the number of feet in front which they shall respectively own and possess on said street or streets, section or sections thereof, and in proportion to the benefit which they shall be deemed to derive from the improvement so to be made as aforesaid, which said assessment shall be signed by the said assessors, and submitted to and approved of by the said board of trustees, and levied and collected by the collector of the said village, in manner as other taxes are by law directed to be levied and collected: *Provided always*, That at the meetings of the owners and occupants so to be held as aforesaid, it shall not be lawful for any occupant of a lot of ground to vote at any such meeting, unless in the absence of the owner thereof: *And provided further*, That if upon the completion of any such paving or improving as aforesaid, it shall appear to the said trustees that a greater sum of money hath been bona fide expended in the payment of the said damages and improvement of the said street or streets, section or sections thereof, than the sum assessed, levied and collected as aforesaid, it shall then be lawful for the said trustees to cause a further assessment equal to the excess to be made and collected in manner aforesaid: *And further*, in case the sum actually expended shall be less than the sum levied and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same was collected, or their legal representatives.

Property benefited by improvements to be assessed

Proviso

Further proviso

13. *And be it further enacted*, That the first section of the act, entitled "an act to amend an act entitled 'an act to vest certain powers in the freeholders and inhabitants of the village of Newburgh,' passed the 25th of March, 1800, and for other purposes," passed April the 4th, 1811; and so much of the fifth section of the act, entitled "an act vesting further powers in the trustees of the village of Newburgh," passed April 7th, 1815, as relates to the assessment of the freeholders and inhabitants of the said village to work on the public roads and highways, be and the same are hereby repealed. Former acts repealed

CHAP. 83.

AN ACT *to Incorporate the Rensselaer School.*

Passed March 21, 1826.

WHEREAS the honorable Stephen Van Rensselaer has procured suitable buildings in the city of Troy, in Rensselaer county, and therein set up a school, and at his own private expense has furnished the same with a scientific library, chemical and philosophical apparatus, instruments for teaching land surveying and other branches of practical mathematics, which are useful to the agriculturist, the machinist and to other artists, has caused to be prepared and furnished separate and commodious rooms for instruction in natural philosophy, natural history, the common operations in chemistry, and an assay room for the analysis of soils, manures, minerals and animal and vegetable matter, with the application of these departments of science to agriculture, domestic economy, and the arts: *And whereas*, said Van Rensselaer has employed teachers, and caused an experimental system of instruction to be adopted by them, whereby each student is required to observe the operations of a select number of agriculturalists and artists in the vicinity of said school, and to demonstrate the principles upon which the results of such operations depend, by experiments and specimens performed and exhibited by his own hands, under the direction of said teachers: *And whereas*, one important object of said school is to qualify teachers for instructing youth in villages and in common school districts, belonging to the class of farmers and mechanics, by lectures or otherwise, in the application of the most important principles of experimental chemistry, natural philosophy, natural history, and practical mathematics to agriculture, domestic economy, the arts and manufactures: *And whereas* the trustees of said school, who were appointed to take charge thereof by said Van Rensselaer, by an instrument in writing, dated November the fifth, in the year eighteen hundred and twenty-four, have represented to this legislature, that after having tested the plan of said school by a trial of one year, they find it to be practicable, and in their opinion, highly beneficial to the public: *And whereas* the legislature consider it their duty to encourage such laudable efforts, and such munificent applications of the surplus wealth of individuals: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Simeon De Witt, Samuel Corporation

Blatchford, John D. Dickinson, Guert Van Schoonhoven, Elias Parmelee, Richard P. Hart, John Cramer, and Theodore Romeyn Beck, shall be, and hereby are constituted a body corporate and politic, by the name of "the president and trustees of Rensselaer school," and by that name they shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and suits whatsoever; and may have a common seal, with power to change or alter the same from time to time, and shall be capable of purchasing, taking possession of, holding and enjoying to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels and personal estate, and of selling, leasing or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure: *Provided however*, That the funds of the said corporation shall be used for and appropriated to the objects contemplated in the preamble of this act: *And provided also*, That the clear annual income of such real and personal estate shall not exceed the sum of twenty thousand dollars.

Title

General powers

Proviso

2. *And be it further enacted*, That the said trustees shall from time to time, forever hereafter have power to make, constitute, ordain and establish such by-laws and regulations as they shall judge proper, for the election of their officers and prescribing their respective functions, for the government of the officers and students of said school as to their respective duties, for collecting fines, impositions and term fees, for suspending, expelling and otherwise punishing students, so that it shall not extend farther than expulsion and retaining term fees, and collecting the amount of any damages done by students to the property of said school, for conferring on students such honors as they may judge proper, having relation to the object of said school as expressed in the said preamble, and for managing and directing all the concerns of said school; also for confirming the constitution and by-laws, or any part thereof, heretofore adopted by said trustees, provided such by-laws and regulations have relation to the subjects of the preamble of this act exclusively.

By-laws

3. *And be it further enacted*, That the officers of said school shall consist of a president, two vice-presidents, a treasurer and secretary, two professors, and such a number of adjunct professors and assistants as the trustees may from time to time appoint or authorise the appointment of, a librarian, monitor and steward. That whenever any vacancy shall happen among the trustees of said school, such vacancy or vacancies may be filled by a quorum of the remaining trustees, so that two trustees shall reside in Albany, two in Troy, two in Lansingburgh and two in Waterford.

Officers

Vacancy

4. *And be it further enacted*, That there shall be one annual meeting of the trustees at said school on the last Wednesday in April, at which meeting four members of the board of trustees shall constitute a quorum, and that four members shall also form a quorum at all special meetings, to be called by the president at any time after the passing of this act, provided a written notice of such meeting, signed by the president or by one of the vice-presidents, shall be left at the dwelling-house or place of residence of such member of the board seven days previous to such special meeting.

Annual meeting

Proviso

5. *And be it further enacted*, That Samuel Blatchford shall be president, and that he, together with all the other officers of the said school, shall remain as heretofore, until a special meeting of a quorum of said trustees shall be assembled at such school, by the president, or by a vice-president, as prescribed in the fourth section of this act, or until the annual meeting on the last Wednesday in April next, then to be permitted to continue in their respective offices, or their places to be filled at the pleasure of the trustees. President, &c

6. *And be it further enacted*, That the legislature may at any time modify or repeal this act. Legislature may repeal

CHAP. 84.

AN ACT *to vest in the United States of America, the Jurisdiction over certain Lands on Stony Point, and for other purposes.*

Passed March 23, 1826.

WHEREAS by an act of the congress of the United States of America, entitled "an act to authorise the building of light houses, and light vessels and beacons and monuments therein mentioned, and for other purposes," passed March 3, 1825, a light house is directed to be built at a place called Stony Point, in the county of Rockland and state of New-York; and it appears by the memorial of the authorised agent of the government of the United States, that a suitable piece of land has been designated by him for the purpose aforesaid, and that the owners of the same are willing to convey to the United States so much thereof as may be required for the purpose aforesaid, for a reasonable compensation, but that one or more of the said owners is a minor or minors, and that a widow is entitled to dower of the same, all which present difficulties in the way of an ordinary conveyance of the said land, and that the said owners are willing that the land should be taken for the purpose aforesaid, under the sanction of a law of this state, and be paid for agreeably to the valuation of commissioners for that purpose: *And whereas* it appears meet and proper that the land in question should be taken for public purposes, and that the jurisdiction of this state in and over the same should be ceded to the United States, on payment of the value of the said land to the proprietors thereof: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the jurisdiction in and over "all that certain piece or parcel of land, situated in the town of Haverstraw, in the county of Rockland, and state of New-York, being the extreme point of land called Stony Point, on the Hudson river, beginning at the river at high water mark, on the south side of the Point at a stake, thence across the Point north four degrees west, (passing thirty-five links to the west of the fort) to the river at high water mark, thence along the same at high water mark round the Point to the place of beginning, be and the same is hereby ceded to the United States of America, for the purpose of erecting a light house or beacon on the same: *Provided nevertheless*, That such jurisdiction so ceded to the United States as aforesaid, shall not extend or be construed to extend so as to prevent or impede the execution Jurisdiction ceded

of any process of law, civil or criminal, under the authority of this state, except so far forth as any such process may affect the real or personal property of the United States of America within the limits of the said tract of land; and that all the lands and tenements within the limits aforesaid shall be, and continue forever hereafter exempted from all taxes, assessments and other charges, under or by virtue of any present or future law of this state.

Commissioners and their duties

2. *And be it further enacted*, That Jacob Odell, of the county of Westchester, John W. Richardson, of the county of Rockland, and John Targee, of the city of New-York, be and they are hereby constituted and appointed commissioners to estimate and appraise the value of the land and premises above described, and required by the government of the United States for the purpose of erecting a light house or beacon thereon as aforesaid, whose report thereon, when made and duly certified under their hands and seals, and filed as of record in the office of the assistant register in chancery for this state, shall be binding and conclusive against the owner or owners of the said land, and against all persons whomsoever interested therein; and on the filing of the report of the commissioners as aforesaid, which it shall be their duty to do on or before the first day of September next, the amount of the said appraisement shall be paid on the part of the United States of America to the said assistant register, and remain in court subject to the order of the chancellor, who is hereby authorised and directed to make his order for the distribution of the same among the several owners and persons interested in the said land, agreeably to their several and respective rights and interests therein, and to make such further and other order in relation to the paying over and securing the said monies, or any part thereof, to and for the benefit of the said owners and persons interested therein, or either of them, as to him the said chancellor shall seem consistent with their respective rights, and agreeable to equity: *Provided*, That the said parties shall make their application to the chancellor for the purposes aforesaid, within one year from the date of such deposit: *And provided further*, That they shall satisfy the chancellor of their legal or equitable title to the said land, and of their right to receive the said monies: *And provided further*, That before the commissioners herein named, or hereafter to be appointed by virtue of this act, shall proceed to the execution of their duties, they shall take and subscribe an oath or affirmation before some magistrate authorised to administer oaths, impartially to execute the trust hereby reposed in them, which oath or affirmation shall be attached to and filed with their report; and they shall, before they proceed to the valuation and estimate of the said land and premises, give at least fourteen days previous notice, by publishing the same in one or more newspapers printed in the city of New-York, to the owners and claimants of the said land, and also to the agent or agents of the United States, of the time and place of their meeting for the purpose of making such estimate and valuation of the said land.

Money to be paid to assistant register

Proviso

Further proviso

Money to be paid into treasury after one year

3. *And be it further enacted*, That if no application shall be made to the chancellor for the said monies within the period of one year, or if such application being made, it shall appear that such applicants, or any or either of them, have no legal or equitable title to or interest in the said land, then the said monies, or so much

thereof as may not be legally claimed and paid over as aforesaid, shall be paid over into the treasury of this state, to be disposed of in such manner as the legislature may hereafter direct.

Report of commissioners to be recorded in Rockland, & certificate of assistant register

4. *And be it further enacted*, That the said commisioners shall file a duplicate of their report as aforesaid, duly acknowledged or proved in the manner required by law for the recording of deeds, in the office of the clerk of the county of Rockland, whose duty it shall be to record the same in the book of conveyances, &c. for said county; and the said commissioners shall also file in the office of the said clerk, the certificate of the said assistant register in chancery, that the amount of such valuation of the said land has been paid to him as a deposit in the said court of chancery, agreeably to this act, and thereupon the United States of America shall be entitled to the before described land; and in the event of any resistance being made to the agent or agents of the said United States in taking possession of the said land, by any person or persons, it is hereby declared and made to be the duty of the sheriff of the said county of Rockland, to put the said agent or agents of the United States into quiet possession of the said premises.

Duty of sheriff

Governor to fill vacancy

5. *And be it further enacted*, That in the event of the death of any one or more of the said commissioners, or refusal to act, it shall be lawful for the governor of this state to supply any vacancy which may occur as aforesaid, by the appointment of such judicious freeholder or freeholders not interested in the premises as he may think fit and proper, who on such appointment shall be empowered to discharge all the duties of commissioners under and by virtue of this act.

CHAP. 85.

AN ACT *for the relief of the Trustees of the Schenectady Water Works.*

Passed March 24, 1826.

Certain provisions extended to company

Suits where brought

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the provisions of the seventh section of the act to amend the act, entitled "an act for the assessment and collection of taxes," passed April 20th, 1825, be and the same are hereby extended to the aforesaid company; and that all suits or actions which are now authorised by law to be brought by, or on behalf of the said company, may be commenced and prosecuted in any court having cognizance thereof, notwithstanding any provision to the contrary in the original act of incorporation.

CHAP. 86.

AN ACT *relative to the first Great Western Turnpike Road.*

Passed March 24, 1826.

Authorised to exact toll on carriages loaded with wood or hay, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the first day of July next, it shall be lawful for the president and directors of the said Great Western Turnpike Road, by their agent or toll gatherer, to demand and receive the same toll for all carriages loaded with wood or hay, at their gate, within the limits of the city of Albany, as they are now authorised by law to receive from other carriages passing said gate; and that the said carriages so loaded with wood or hay shall, on their return, pass said gate toll free.

Said carriages to return free of toll

Act of incorporation to apply to such carriages

2. *And be it further enacted*, That the provisions of the act incorporating the said company, and the acts amending the same, shall be in full force, and apply to such carriages loaded with hay or wood, as though they had not been exempted from the payment of toll.

CHAP. 87.

AN ACT *to authorize the Supreme Court to appoint Circuit Courts in such of the Counties in the eighth Circuit as shall be considered necessary and expedient.*

Passed March 25, 1826.

Preamble

WHEREAS it is represented to the legislature that several circuit courts in the eighth circuit have failed, by reason of the resignation of the judge of the said circuit. Therefore,

Supreme court authorised to appoint circuit courts in 8th district

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supreme court shall be, and hereby is authorised, during the present February term of the said court, to appoint a time and place for holding a circuit court or courts in such county or counties only wherein the said circuit courts have failed, or shall fail by reason aforesaid, in the said eighth circuit, as the said supreme court shall consider necessary and expedient, any thing in the act entitled "an act concerning the supreme court, for dividing the state of New-York into circuits, and concerning circuit courts and courts of oyer and terminer, and for vesting equity powers in the circuit judges," to the contrary notwithstanding.

CHAP. 88.

AN ACT *to alter the time of holding the Courts of Common Pleas and General Sessions of the Peace in the County of Montgomery.*

Passed March 28, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the terms of the court of common pleas, in and for the said county of Montgomery, shall hereafter be held on the second Tuesdays of June, September, December and March; and the court of general sessions of the peace, on the second Tuesdays of June and March, in every year, and may severally continue to be held from the time of their commencement, on the several days aforesaid, until the several Saturdays next following inclusive; and the first term of the said courts, after the passage of this act, shall be in June next: *Provided*, That it shall be lawful for the judges of the said courts, to adjourn the said courts on any day previous to the expiration of the term, if in their opinion, the business of the said court will admit. Terms prescribed. Proviso.

CHAP. 89.

AN ACT *relative to the County of Orleans.*

Passed March 28, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Gilbert Howel, of the town of Ridgway, Elihu Mather, of the town of Gaines, and Calvin Smith, of the town of Barre, be and they are hereby appointed commissioners to superintend the building of a court-house and gaol for the county of Orleans, which said commissioners shall be subject to the provisions contained in the ninth, eleventh and twelfth sections of the "act to erect a new county from part of the county of Genesee, by the name of Orleans, and for other purposes," passed November 12th, 1824: *Provided*, That a suitable and convenient lot or lots for said court-house and gaol shall have been first conveyed to the supervisors of said county of Orleans, and to their successors forever, before the aforesaid commissioners shall proceed to the respective duties of their office. Commissioners. Proviso.

2. *And be it further enacted*, That the supervisors of the county of Orleans be and they are hereby authorised and required to cause to be assessed, levied and collected and paid into the treasury of said county, in the same manner that the ordinary county charges are by law directed to be levied, collected and paid, the sum of six thousand dollars, over and above the ordinary fees of collection, for the purpose of erecting a court house and gaol in said county of Orleans, to be raised, levied and collected in four equal annual instalments of one thousand five hundred dollars each, the first instalment to be raised on the assessment of the present year. Supervisors to levy $6000

Comptroller to advance $5000 and how repaid

3. *And be it further enacted*, That the comptroller shall draw his warrant on the treasurer in favour of the treasurer of the county of Orleans from time to time, for such sums as the said commissioners or a majority of them may certify to be necessary for the fulfilment of any contracts they may make in the premises, not exceeding five thousand dollars in the whole, and charge the same to the treasurer of said county, at an interest of six per cent. per annum; and the treasurer of said county is required to reimburse the same in four equal annual instalments, together with the interest thereon as aforesaid, to the treasurer of this state, out of the monies provided to be raised by the second section of this act, whenever the same shall come into his hands; and in case there shall at any time be any deficiency in the means of reimbursement as aforesaid, it shall be the duty of the supervisors of said county on the requirement of the comptroller, to cause to be raised, levied and collected in manner aforesaid, a sum sufficient to supply such deficiency.

Duty of supervisors

4. *And be it further enacted*, That the supervisors of the said county of Orleans, have liberty to appropriate any monies in the treasury of the said county, not otherwise appropriated to the purpose of building said court house and gaol, and to draw on the treasurer of the said county for the same: *Provided*, That so much of the act, entitled "an act to erect a new county from part of the county of Genesee, by the name of Orleans, and for other purposes," passed November 12, 1824, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Proviso

Sheriff

5. *And be it further enacted*, That it shall be lawful for the sheriff of the county of Orleans, to admit to the gaol liberties of said county, any prisoners committed on civil process only, or on being surrendered in discharge of bail in any civil action, in the same manner as if a gaol was erected in said county.

1833-3/6

CHAP. 90.

AN ACT *to incorporate the Cohoes Company.*

Passed March 28, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Peter Remsen, and such others as now are or hereafter may be associated with him for hydraulic and manufacturing purposes, shall be and are hereby constituted, ordained and declared to be a body corporate and politic,

Title

in fact and in name, by the name of the Cohoes Company; and by that name they and their successors and assigns shall and may have

General powers

continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That the real estate, or their interests therein, so to

Proviso

be holden, shall be such only as shall be requisite to carry on the hydraulic and manufacturing operations of this corporation, or such as shall have been bona fide mortgaged to it by way of security for sales, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which shall have been obtained for such debts or sales made by virtue of any mortgage given to said corporation for the purposes aforesaid.

Directors

2. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seven directors, to be selected from the stockholders, (one of whom to be president,) who shall hold their offices for one year from the first Monday of May in every year hereafter, and that the said directors shall be elected on the first Monday of May in every year hereafter, at such time of the day, and at such place, as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York, and one in the city or county of Albany, and the said election shall be held by such of the stockholders of the corporation as shall attend for the purpose in their proper persons or by proxy, and who shall have owned the stock on which he shall offer to vote, for at least fourteen days next and immediately preceding such election; and all elections shall be by ballot, each share of stock having one vote, and the persons who shall have the greatest number of votes at any election, shall be the directors, and if it shall happen at any election that two or more persons have an equal number of votes, so that no choice shall have been made as to such person, then the said stockholders herein before authorised to vote at such elections, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so to complete the whole number of seven; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy shall be occasioned in the said direction by the death, resignation or otherwise, the same shall be filled for the remainder of the year in which it may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint: That Peter Remsen, Charles E. Dudley, Stephen Van Rensselaer, jun. Francis Olmsted, Canvass White, Henry J. Wyckoff and David Wilkinson, shall be the first directors, and shall hold their offices until the first Monday in May, in the year one thousand eight hundred and twenty-seven, and until others shall be chosen.

When elected

Notice

By ballot

Tie

President

Vacancy

First directors

Corporation not dissolved for omitting election

3. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as shall be prescribed by the by-laws and ordinances of the said corporation: *Provided always*, That such election shall be held and determined within sixty days from the first day of May in each

Proviso

year, of which election such notice shall be given as herein before required.

Dam across the Mohawk

4. *And be it further enacted*, That it shall and may be lawful for the said corporation to erect and maintain a dam across the Mohawk river, opposite the lands belonging to said corporation, above the great Cohoes Falls, for supplying water necessary for the purpose of said corporation: *Provided always*, That nothing in this act contained shall be so construed as to injure, affect or impair the rights and privileges of any person or persons, or of any corporation heretofore granted, or to impair or injure the rights and privileges of the people of this state.

Proviso

To construct a canal, &c

5. *And be it further enacted*, That the said corporation shall have full right, power and authority to cut, construct and make a canal or canals from said river, upon the lands of said corporation, to supply water for all the purposes of said corporation, and to cut, construct and make upon the lands of said corporation, as many lateral canals connected therewith as may be necessary to supply water for the manufacturing establishments which may be erected, and also to afford such water communication with the Erie and Champlain canals as shall be approved by the canal commissioners, or such other person or persons as may hereafter be appointed by the legislature, having the superintendence and management of said canals, and may also at any time hereafter purchase, build or hire for the use and in the name of the said corporation, houses, factories, ware-houses, wharves and other necessary buildings, and to sell or lease any part or the whole of the above mentioned property, and also any surplus water of their canals, in such manner as they may think most conducive to the interest of said corporation: *Provided*, That said corporation shall not at any time, by means of their said canals or otherwise, take or use any of the waters of said river which shall now or hereafter be required by the state for the purposes of navigation: *And provided further*, That the said corporation created by this act, shall confine their hydraulic and manufacturing operations to and within the towns of Watervliet and Waterford, and shall well and sufficiently make and keep their canals and works secure, by puddling or otherwise, to prevent leakage and unnecessary waste of water; and also that they shall conduct into the Mohawk river above the dam erected across the said Mohawk river for the Champlain canal, or into the said Champlain canal in such manner as not to interfere with the navigation thereof, all the water that shall in manner aforesaid be taken from said river, excepting unavoidable losses by evaporation or leakage: *And provided further*, That if the said corporation discharge any water from their canals or factories into the said Champlain canal, they shall, at their own expense, construct good and sufficient sluice gates by the side of the guard locks, to allow a free passage for the water from the said factories or canals to said river above the dam aforesaid.

To be approved by canal commissioners

Powers of corporation

Proviso

Confined to Watervliet & Waterford

To secure waters for the use of the state canals,

and construct sluice gates

Capital stock

6. *And be it further enacted*, That the capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and that a share of said stock shall be one hundred dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively all such sums of money by them subscribed, at such time and in such proportion as they shall see fit, under pain of forfeiture of their respective shares, and all previous payments

made thereon, if such payments be neglected to be made for the space of ten days after the same ought to have been made, and thirty days previous notice of said call and demand shall have been given in the manner prescribed in the second section of this act.

By-laws

7. *And be it further enacted*, That the directors for the time being shall have power to make such by-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties of the officers, and artificers and servants by them employed, and all such matters as appertain to the concerns of the said corporation, with power to appoint such and so many officers, clerks and servants for carrying on the business of the said company, and with such allowances and salaries as to them shall seem meet.

Stockholders responsible to nominal amount of stock,

8. *And be it further enacted*, That the stockholders of the said corporation, shall be holden in their individual capacities responsible, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively; and any person having any demand against the said company, may sue any stockholder thereof singly, or any two or more stockholders thereof jointly, and recover in any court having cognizance thereof: *Provided*, Such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also*, That the said company shall be liable to be prosecuted as a corporation for any such demand.

and may be sued

Proviso

Stock deemed personal estate

9. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate, and shall be assignable and transferable; and that the charter and privileges hereby granted are granted upon the express condition that the funds of said corporation shall be applied to the purpose of improving the water power and property belonging to said corporation, and erecting hydraulic and manufacturing establishments, and engaging in the business connected therewith, and no other, and that for all debts that shall be due and owing by the said company, the persons composing the said corporation at the time of its dissolution shall be responsible in their individual and private capacity, to the extent of their respective shares, and no further, in any suit or action to be commenced or prosecuted after the said corporation shall be dissolved.

Funds how applied

Debts

A public act

10. *And be it further enacted*, That this act shall be deemed and considered in all courts and places as a public act, and the same shall be construed benignly and favorably, for every beneficial purpose.

Transfer to be registered,

11. *And be it further enacted*, That no transfer of any stock in said company shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors of said company for that purpose; which book or books shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any demand against said company, the payment of which shall have been refused; and in case any officer of said company, having charge of such books, shall refuse to permit the same to be examined as aforesaid,

and books to be exhibited

Penalty

he shall, for every such offence, forfeit the sum of two hundred and fifty dollars: the one moiety thereof to the people of this state, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of such suit.

Banking prohibited

12. *And be it further enacted*, That nothing in this act contained shall be so construed as to authorise any banking or insurance privileges whatever, or the dealing or trading in the stock of any incorporated company, or receiving, directly or indirectly, any transfer, pledge or hypothecation of any stock of any incorporated company for any purpose whatever, or the purchasing, discounting or loaning of any bonds, bills, notes, checks, or any negotiable paper whatsoever, and every such transfer, pledge or hypothecation shall be utterly void.

Legislature may repeal

13. *And be it further enacted*, That the rights and privileges hereby granted shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same.

CHAP. 91.

AN ACT *relative to the Lands conveyed to this State for the benefit of the Canal Fund.*

Passed March 28, 1826.

Commissioners of land office to appoint agent, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land-office from time to time to appoint some discreet and proper person or persons as their agents, to prosecute all trespassers on the lands conveyed to this state for the benefit of the canal fund; and such agent is hereby authorised to bring suits in the name of the people of this state against all persons who may have, or shall hereafter trespass on said lands, and to prosecute the same to judgment and execution, according to the existing laws of this state; and that the treasurer, on the warrant of the comptroller, shall pay the costs that may accrue in the premises to such agent, together with such compensation for his services as the said commissioners shall deem reasonable and just: *Provided*, That in case any defendant so prosecuted as a trespasser shall succeed on the trial, the said agent shall be entitled to no costs of such suit, unless the commissioners of the land-office shall be convinced that there was probable and reasonable cause for bringing such suit: *Provided also*, That such agent shall give such reasonable security from time to time to the people of this state for the faithful execution of his trust, as the commissioners of the land-office shall require and approve.

Trespassers

Proviso

Commissioners to cause surveys and sell lands

2. *And be it further enacted*, That it shall be the duty of the commissioners of the land-office to dispose of said lands in such manner, and at such time, and on such terms as they shall judge best for the interest of the canal fund, and for that purpose to cause such surveys and examinations to be made as they shall deem necessary for carrying this act into effect, the expenses of which shall be defrayed in such manner as the expenses relating to the surveys and sales of

the unappropriated lands of this state are allowed to be paid: *Provided*, That the commissioners, in making sales as aforesaid, shall require at least fifty per cent of the amount of such sales to be paid in hand, or secured on other property to the satisfaction of the said commissioners, payable in three annual instalments, with interest, and the residue in three yearly payments, with interest at the rate of six per cent per annum. Proviso 50 per cent to be paid

CHAP. 92.

AN ACT *to enable the Mayor, Aldermen and Commonalty of the City of New-York, to raise Money by Tax.*

Passed March 28, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the mayor, recorder and aldermen of the city of New-York, as the supervisors of the city and county of New-York, or a majority of them, of whom the mayor or recorder shall be one, shall be and are hereby empowered, as soon as conveniently may be after the passing of this act, to order and cause to be raised by tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within the said city, to be collected, a sum not exceeding one hundred and ninety-six thousand dollars, to be applied to the support and maintenance of the poor of the said city and county; the support and maintenance of criminal persons; the support and repairs of the Bridewell and Penitentiary of the said city; the repairing and taking care of the other public buildings belonging to and under the care of the mayor, aldermen and commonalty of the city of New-York; the making, regulating, repairing and improving the public roads in the said city and county; the defraying other contingent expenses properly chargeable to the said city and county, and for the defraying the expenses which the mayor, aldermen and commonalty of the city of New-York, may sustain or be put to in executing the powers vested in them by "an act to reduce several laws relating particularly to the city of New-York into one act," passed April 9th, 1813: *And also*, such further sum, by a tax as aforesaid, as is required to be raised by a tax in the said city, for the support of common schools, and as may be necessary for supplying the deficiencies of taxes upon any and every of the wards of the said city, imposed or laid during the year one thousand eight hundred and twenty-five, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax: *And also*, for defraying the whole of the expense, for assessing and collecting the taxes to be raised as aforesaid, such deficiencies however, to be assessed on the estates, real and personal, of the inhabitants of, and situated within the wards respectively, where they shall happen as aforesaid: *And also*, a further sum, not exceeding one hundred and fifty-four thousand dollars, by a tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within the said city, to the southward of a line beginning at the North river, at the foot of Fourteenth-street, and running thence easterly through said

Corporation authorised to raise $196000 by tax

Further sum for common schools

Expense of collecting

Sum for watchmen

street to the East river, as said street is laid down on the maps of the said city; to be applied to the payment of so many watchmen as the mayor, aldermen and commonalty of the city of New-York, in common council convened, shall appoint and employ for watching and guarding the said city; to the purchasing of oil; providing and putting up lamps, and repairing, cleansing and lighting those which are now or may hereafter be erected within that part of the said city last described; to the cleansing and repairing public wells and pumps; and to the defraying the other contingent expenses arising within and properly chargeable to that part of the said city to the southward of the line aforesaid, as the said mayor, aldermen and commonalty in common council convened, may from time to time direct: *And also*, such further sum, by a tax as aforesaid, as may be necessary for supplying the deficiencies of taxes upon all that part of the city to the southward of the line aforesaid, during the year one thousand eight hundred and twenty-five, owing to the insolvencies of the collectors of the said wards, or any or either of them, or their inability to collect the said tax: *And also*, for defraying the expenses of assessing and collecting said taxes, such deficiencies however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situate within the said wards respectively, where they shall happen as aforesaid, to the southward of the line aforesaid.

For supplying deficiencies, &c

Manner of assessment

2. *And be it further enacted*, That the said several sums of money, shall be assessed in the manner directed by the act entitled "an act for the assessment and collection of taxes," passed April 28, 1823, except so far as the provisions of any subsequent law may be contrary thereto; and each persons tax in one ward shall be collected in one payment, and the monies so collected paid into the hands of the treasurer or chamberlain of the said city, at such time as is appointed and directed by the act or acts in such cases made and provided.

CHAP. 93.

AN ACT *authorising the Corporation of the City of New-York to create a Public Stock.*

Passed March 28, 1826.

To create a stock of $700,000

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the mayor, aldermen and commonalty of the city of New-York, from time to time, as they may find it expedient, to create a public fund or stock, not exceeding in the whole, the sum of seven hundred thousand dollars, in addition to the sum authorised to be created in and by the act, entitled "an act to regulate the finances of the city of New-York," passed June 8th, 1812, and the act of March 24th, 1820, increasing the same; which said stock shall be denominated the New-York City Stock, and shall bear an interest not exceeding five per cent. per annum, which shall be paid quarter yearly: *And further*, That all the provisions of the said act which are not herein otherwise provided for, shall have the same force and effect, to

Rate of interest

Provisions of former act applied

all intents and purposes, relative to the stock hereby authorised to be created, which they would have had provided the said act had been incorporated with, and made part of this act: *Provided always*, That nothing herein contained shall be so construed as to deprive the holders of the stock created by said acts, of any lien which they are entitled to by said acts upon the revenues of the said mayor, aldermen and commonalty. Proviso

2. *And be it further enacted*, That the said corporation shall apply the monies to be raised under and by virtue of this act, to the reimbursement of the monies borrowed under the act passed June 8, 1812, and to no other purposes whatsoever. To reimburse monies borrowed

CHAP. 94.

AN ACT *to alter the time of holding a Circuit Court, and Court of Oyer and Terminer, in the County of Onondaga.*

Passed March 28, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That instead of the third Monday of September next, appointed by the circuit judge, for the seventh circuit, for holding a circuit court and court of oyer and terminer in the county of Onondaga, the said courts shall be holden on the first Monday of October next, at the court-house in the town of Onondaga. Term of circuit court altered

CHAP. 95.

AN ACT *relative to the New-York Society, for Promoting the Manumission of Slaves, and for protecting such of them as have been or may be liberated.*

Passed March 29, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the New-York Society for promoting the manumission of slaves, and for protecting such of them as have been or may be liberated, to demand and receive from every child instructed in their schools, a compensation for tuition not exceeding one dollar per quarter, without in any manner prejudicing their right to draw from the common school fund, disbursed in the county of New-York: *Provided*, That the said trustees may remit such demand whenever they think proper, and that they shall not at any time refuse to educate any child on account of the inability of his parents or guardians to make the required compensation. Trustees may receive $1 from children instructed

Proviso

CHAP. 96.

AN ACT *further to amend an Act entitled "An Act declaring the Neversink River a public Highway and for other purposes," passed April* 16, 1816.

Passed April 1, 1826.

Additional toll allowed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the president and directors of the Neversink navigation company, to demand, collect and receive the following tolls not enumerated in the said act, to wit: on all lumber sawed less than one inch thick, the same tolls as allowed on inch boards; on field bed-stead post turned, four cents a set; on high posts, eight cents a set; all other kinds of turned lumber in like proportion, according to its weight and value; on all boxes, casks, sacks or packages of one yard square or less, twelve and a half cents, and so in proportion for a larger size; for every bushel of oats or buck wheat, one and a half cent; for every bushel of corn, rye or potatoes, two cents; for every bushel of wheat four cents; all other kind of produce in like proportion according to its weight and value; for every bushel of charcoal, one cent; for every bushel of stone coal, two cents; for all other property in like proportion according to its weight and value; the above mentioned tolls to be under the same rules and regulations as the tolls in the said act hereby amended.

Aprons

2. *And be it further enacted*, That the aprons to all dams hereafter built on said river, shall not be on a descent of more than one foot in ten.

Powers conferred for making improvements

3. *And be it further enacted*, That for the purpose of making further improvements in the navigation of the said river, the said president, directors and company, shall hereafter have the same powers and privileges, so far as the same may be required, and be made under the same restrictions as are contained in the said act hereby amended; the fourteenth section of which being so construed, that it shall be considered as a new offence for each and every day that any obstruction, or other injury may remain after the first judgment may have been obtained: *Provided*, That nothing in this act shall apply or be construed to affect in any manner the rights and privileges heretofore granted to the Delaware and Hudson canal company.

Proviso

Public act,

4. *And be it further enacted*, That this act is declared to be a public act, and shall be favorably construed in all courts for every beneficial purpose herein contained.

and may be repealed

5. *And be it further enacted*, That it shall and may be lawful for the legislature to alter, amend or repeal this act.

CHAP. 97.

AN ACT *prescribing the times and places of holding the Courts of Common Pleas and General Sessions of the Peace in the County of Kings.*

Passed April 1, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That hereafter there shall be four terms of the courts of common pleas and general sessions of the peace, holden in and for the county of Kings, in each year, and that the said courts shall be held alternately at the court-house at Flatbush, and at the apprentices library in the village of Brooklyn, on the third Tuesday of April, July, October and January, in each year, and may continue and be held until, and including Saturday in the same week, and that the next term of the said courts shall be held on the third Tuesday of April next, at the court-house at Flatbush. Terms alternately at Flatbush and Brooklyn

2. *And be it further enacted*, That all writs and process issuing out of the said courts, shall be made returnable at the respective places herein before prescribed for the holding the said courts. Writs how returnable

CHAP. 98.

AN ACT *concerning Jurors in Justices' Courts in the several Towns in the Counties herein named.*

Passed April 1, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all free male inhabitants, of the several towns in the counties of Niagara, Erie, Chautauque, Cattaraugus, Allegany, Genesee, St. Lawrence, Jefferson, Lewis and Franklin, of the age of twenty-one years and upwards, who are in possession of lands, under a contract for the purchase of the same, and are worth the sum of one hundred and fifty dollars, in personal property, or have made improvements on, or payments for said lands to that amount, shall be good and sufficient jurors, in all courts to be holden before any justice or justices of the peace, in and for the counties aforesaid. Jurors in justices' courts in certain cases

CHAP. 99.

AN ACT *for the Relief of Isaac Patchin.*

Passed April 1, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer on the warrant of the comptroller, is authorised and required to pay to Isaac Patchin, the sum of two hundred and ten dollars, out of any money in the treasury not otherwise appropriated, in full of his pay as Comptroller to pay $210 to I Patchin

a soldier, serving in colonel Peter Zeile's regiment; the said Isaac, having been taken prisoner by the enemies of the United States in the revolutionary war, on the seventh day of April, one thousand seven hundred and eighty, and continued a prisoner in Canada to the twenty-eighth day of November, one thousand seven hundred and eighty-two, for which he has heretofore received no compensation from this state, or the United States.

CHAP. 100.

AN ACT *for the Relief of Moses Austin.*

Passed April 1, 1826.

Commissioners of land-office to settle claims of M Austin

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, to extinguish and settle the claim of Moses Austin against this state, for the failure of the title to lot number seventy-seven, in the Greene county tract, in the manner directed in the sixth section of the act, entitled "an act concerning the commissioners of the land-office, and the sale of the unappropriated lands," passed April 6, 1813.

CHAP. 101.

AN ACT *entitled "An Act in addition to an act to incorporate the Catskill Mechanical Society," passed February 27, 1807.*

Passed April 1, 1826.

Authorised to appropriate funds to apprentices' library

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Catskill mechanical society be, and they are hereby authorised and empowered to appropriate from time to time, such part of their funds for the establishment and support of an apprentices' library as a majority of the members of said society at any stated meeting may deem expedient.

Directors & librarian

2. *And be it further enacted*, That the said society may appoint at the annual meetings, so many directors from their own number and from the citizens of the village of Catskill, to superintend the concerns of the said library as they or a majority may think necessary, and shall also appoint a librarian and clerk who shall hold their offices one year, and until others are appointed in their respective places.

By-laws

3. *And be it further enacted*, That the said society may adopt such by-laws, rules and regulations for the government of said library, impose such fines and penalties for damage done to, or not returning books within the times specified by the by-laws as they may deem proper: *Provided*, That no fine or penalty shall in any case exceed the cost of such book.

Proviso

Act continu'd

4. *And be it further enacted*, That the act entitled "an act to incorporate the Catskill Mechanical Society" be, and the same is

hereby continued in force twenty years from and after the second Tuesday in April next.

5. *And be it further enacted*, That it shall and may be lawful for the legislature at any time hereafter, to alter, amend or repeal this act. Right to repeal reserved

CHAP. 102.

AN ACT *to amend the act, entitled "an Act to annex the north part of the Town of Avon in the County of Livingston, to the Town of Rush in the County of Monroe."*

Passed April 1, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Dickson of the village of Rochester, in the county of Monroe, and Robert McKay of the town of Caledonia, in the county of Livingston, shall be and they are hereby appointed commissioners, whose duty it shall be to meet together on the fourth day of May next, at the house of William T. Hosmer, in the town of Avon, in the county of Livingston, or at such time within thirty days thereafter, as they may agree upon, and then and there to examine and ascertain whether any, and if any, what sum of money was due, and owing or charged upon the said town of Avon, for the support of the poor of the said town of Avon, at the time fixed in the said act hereby amended, for the apportionment of the poor thereof, and which remained thereupon unprovided for by tax or otherwise, and if the said commissioners, shall upon such examination find any such sum of money due and owing, it shall be their duty to apportion the same between the two parts of the said towns of Avon and Rush, separated by the said act according to the tax list of the said town of Avon of the then next preceding year, so that each shall bear its equal part thereof, in the same manner as if the said act had not been passed. Commissioners — When to meet — To apportion poor money

2. *And be it further enacted*, That it shall be the further duty of the said commissioners to enquire whether the poor of the said town of Avon were so situated at the time fixed for the apportionment thereof, that the said poor or the burthen of supporting the same could be equally and equitably made, and if they shall on examining find that they were so situated, that an equitable apportionment could not have been made, and was not in their estimation so made, it shall be the duty of the said commissioners to make such equitable allowance to either part of the said town of Avon at the time aforesaid, as under all the circumstances of the case they shall think just and proper; and if the said commissioners shall, under and by virtue of the provision of this act, find any sum of money due to the said town of Avon or the town of Rush, they shall make duplicate certificates under their hands and seals, certifying the amount thereof, and shall deliver one copy thereof to the overseers of each of the said towns, and for which services they shall be paid at the rate of three dollars per day, to be paid equally by the said overseers of the said two towns, and which they may respectively retain out of the poor money of the respective towns. Further duty of commissioners — Certificates, &c

Certificate to be delivered to supervisor, and his duty

3. *And be it further enacted*, That if the overseers of the poor of the said town of Avon or the town of Rush, shall deliver to the supervisor of the town of Avon or of the town of Rush, as the case may be, a copy of one of the said certificates and a certified copy of the said tax list, it shall be his duty to lay the same before the board of supervisors of the said county of Monroe or the county of Livingston, as the case may be, at their next annual meeting, and it shall be the duty of the said supervisors at such meeting to cause such sum as shall be mentioned in such certificate, to be levied on the inhabitants or property of that part of the said town of Rush annexed thereto by the act hereby amended, or of the town of Avon according to the said tax list, and to cause the same to be placed in a separate column in their warrant to the collector of the said town of Rush, and that it shall be the duty of the said collector to collect the same and pay it over to the treasurer of the said county of Monroe, or to the treasurer of the county of Livingston as the case may be, whose duty it shall be to pay the same when it shall be so collected and paid to him, to the overseers of the poor of the said town of Avon or of the town of Rush.

Collector and treasurer

No suit to be affected

4. *And be it further enacted*, That nothing in the said act hereby amended, shall be construed to affect any suit or action depending, or judgment rendered in any court, or before any magistrate in the said county of Livingston, on the first day of April, one thousand eight hundred and twenty-five, so as to work a wrong or to prejudice the parties therein, but all such suits, actions and civil proceedings shall and may be prosecuted to trial, judgment and execution; and all such judgments enforced as if this act had not been passed, and this act shall be construed to take effect and relate back to the time of the passing of the said act so as to stay all proceedings had in any such suit, or upon any suit, judgment or execution as far forth as relates to the jurisdiction of any such court or magistrate, as it existed on the said first day of April last past.

CHAP. 103.

AN ACT *to carry into effect the Provisions of an act for the Relief of the Trustees of St. Lawrence Academy, passed April 9*, 1825.

Passed April 1, 1826.

Money to be advanced to the trustees of St Lawrence academy

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever the trustees of St. Lawrence Academy, shall shew to the satisfaction of the comptroller, that they have erected on ground owned by them, in fee and free from incumbrance, a substantial brick or stone building, of the value of three thousand dollars, or a building partly of brick and partly of stone, of like value; there shall be paid by the treasurer, on the warrant of the comptroller, to said trustees or their treasurer, the sum of twenty-five hundred dollars for the use of said institution, which said sum of money is hereby declared to be an advance for and in lieu of the sum of twenty-five hundred dollars, mentioned in the act, entitled "an act for the relief of the trustees of St.

Lawrence Academy," passed April 9, 1825, and the said sum directed to be raised by the act last mentioned, shall be raised in the manner therein mentioned, or in such other manner as the legislature shall hereafter prescribe, and become a part of the general fund of the state, as a reimbursement for the sum by this act authorised to be paid to the said trustees or their treasurer: *Provided however,* That before the said trustees shall be entitled to receive the said money pursuant to the provisions of this act, they shall execute and deliver to the comptroller a bond to the people of this state, in the penal sum of five thousand dollars, pledging the responsibility of the said trustees in their corporate capacity, and also the individual responsibility of the said trustees, or of so many of them as the said comptroller shall be satisfied, render the said bond sufficient security, which said bond shall be conditioned, that in case the fund upon which the said appropriation of twenty-five hundred dollars is chargeable, shall not, when disposed of in such manner as is provided for by law, or as the legislature shall direct, be sufficient to repay the sum of money advanced by the state to the said trustees, pursuant to the provisions of this act or any part thereof, together with all other sums of money antecedently chargeable upon the said fund, that then the said trustees shall repay to the people of this state, such part of the said twenty-five hundred dollars as the said fund shall not be sufficient to repay, together with lawful interest from the time the said trustees shall receive the same. Proviso

CHAP. 104.

AN ACT *to revive the Act to incorporate the Village of Salina, in the County of Onondaga, passed March* 12, 1824, *and the Act to amend an Act, entitled "An Act to incorporate the Village of Salina, in the County of Onondaga," passed April* 20, 1825, *and for amending said Acts.*

1833-267

Passed April 1, 1826.

WHEREAS the freeholders and inhabitants of the village of Salina, by neglecting to hold an election for the choice of village officers on the second Tuesday of April last, the day appointed by law for such election, have forfeited the rights and privileges granted them in and by the above recited acts. Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the aforesaid acts be and they are hereby renewed, revived and re-enacted, excepting the second section of the act, entitled "an Act to amend an act, entitled 'an act to incorporate the village of Salina, in the county of Onondaga,'" passed April 20, 1825. Certain acts renewed

2. *And be it further enacted,* That the limits of the said incorporation shall be, and they are hereby enlarged and extended, so as to include all the blocks of land from number one to one hundred, and all the streets of said village, the canals, basins, public squares, and other places, as laid out, numbered and exhibited on Randel's map, filed in the office of the surveyor-general. Limits of in. corporation

Assessments upon non-residents

3. *And be it further enacted*, That it shall be lawful for the trustees of said village for the time being, to assess upon the lots of land and real estate situate in said village owned by non-residents, a just proportion of the taxes which shall from time to time be voted to be raised by the freeholders and inhabitants of said village; and that if any such taxes so assessed upon the real estate of non-resident owners shall remain in arrear and unpaid for the space of ten days or more after the same ought to be paid, it shall be lawful for the trustees to cause such lands or real estate, or such parts thereof as they shall see fit, to be sold at public auction, to the highest bidder, for the payment of such arrears of taxes and the expenses of advertisement and sale, and thereupon the trustees shall give to the purchaser a certificate in writing of such sale, containing a description of the land sold, the amount paid therefor, and the terms and conditions of the sale, and shall forthwith cause a copy of such certificate to be filed in the office of their clerk, for the benefit of all persons who may wish to inspect the same; and the money arising from such sale, after deducting the amount of such taxes and expenses as aforesaid, shall remain in the hands of the treasurer of said village, for the use of the owner or person entitled thereto: *Provided*, That before any such sale shall be made, the said trustees shall cause a notice of the time and place of such sale to be published in the paper published by the printer to the state, and in some newspaper printed in the county of Onondaga, once in each week for the term of six weeks or more, and such sales shall always be appointed and held within the limits of said incorporation; and if the owner of such land or real estate so sold shall not, within one year subsequent to such sale, redeem the same by paying to the purchaser or his assigns the sum specified in such certificate, with interest at the rate of ten per cent per annum, it shall then be the duty of the trustees of said village for the time being, to give to such purchaser or his assigns, under the seal of the said incorporation, a deed, conveying to him or them the premises so sold, with the appurtenances, in fee simple; and such conveyance shall be good and effectual under this act, to vest in such grantee or grantees, his, her or their heirs and assigns, an indefeasible estate of inheritance in the premises so sold, with the appurtenances: *Provided also*, That before any such sale shall take place, an affidavit of the publication of the aforesaid notice shall be made and filed in the office of the said clerk.

In case of non-payment trustees may sell, &c.

Certificate to be given to purchaser & filed

Surplus how disposed of

Proviso

Six weeks notice

Time of redemption, &c

Deed to purchaser, &c

Neglecting election not to operate as a forfeiture

4. *And be it further enacted*, That hereafter no neglect of the freeholders and inhabitants of said village to hold their annual meetings for the election of trustees and other officers, shall operate as a forfeiture of their rights and privileges under this act, and the acts hereby revived and amended, but that such trustees and other officers may be chosen at any other meeting of the said freeholders and inhabitants duly notified according to law, and holden within thirty days after the said second Tuesday in April.

Legislature may repeal

5. *And be it further enacted*, That all the rights, privileges and immunities contained in this act, and the several acts hereby revived, shall be deemed to be taken subject to the power of the legislature hereafter to alter, modify, limit or abrogate the same.

CHAP. 105.

AN ACT *to carry into effect the provisions of the Act, entitled "An Act for the relief of the trustees of the Lowville Academy," passed November* 19, 1824.

Passed April 1, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever the trustees of Lowville academy shall shew to the satisfaction of the comptroller that they have erected, on ground owned by them in fee, and free from incumbrance, a substantial brick or stone building for an academy of the value of eight thousand dollars, or a building partly of brick and partly of stone of like value, there shall be paid by the treasurer, on the warrant of the comptroller, to said trustees or their treasurer, the sum of three thousand dollars, out of any monies in the treasury not otherwise appropriated by law, for the use of said institution, which said sum of money is hereby declared to be an advance for and in lieu of the sum of three thousand dollars mentioned in the act entitled "an Act for the relief of the trustees of the Lowville academy," passed nineteenth day of November, eighteen hundred and twenty-four; and the said sum directed to be raised by the act last mentioned, shall be raised in the manner therein mentioned, or in such other manner as the legislature shall hereafter prescribe, and become a part of the general fund of the state as a reimbursement for the sum by this act authorised to be paid to the trustees or their treasurer as aforesaid: *Provided however*, That before the said trustees shall be entitled to receive the said money pursuant to the provisions of this act, they shall execute and deliver to the comptroller a bond to the people of this state, in the penal sum of six thousand dollars, pledging the responsibility of the said trustees in their corporate capacity, and also the individual responsibility of the said trustees, or of so many of them as the said comptroller shall be satisfied render the said bond sufficient security, which said bond shall be conditioned, that in case the fund upon which the said appropriation of three thousand dollars is chargeable shall not, when disposed of in such manner as is provided for by law, or as the legislature shall direct, be sufficient to repay the sum of money advanced by the state, together with the lawful interest thereon, to the said trustees, pursuant to the provisions of this act, or any part thereof, together with all other sums of money antecedently chargeable upon the said fund, that then the said trustees shall repay to the people of this state such part of the said three thousand dollars as the said fund shall not be sufficient to repay, together with lawful interest from the time the said trustees shall receive the same.

$3000 to be paid to Lowville academy on certain conditions

Proviso

Bond to the comptroller

Conditions

CHAP. 106.

AN ACT *authorising John P. Ryerss to continue or rebuild a Dam across the Tioga River.*

Passed April 1, 1826.

John P. Ryerss to erect dam

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That John P. Ryerss is hereby authorised to erect a dam, or continue and keep in repair the dam now erected across the Tioga river, in the town of Erwin, county of Steuben, about eighty rods above the mills now erected by the said John P. Ryerss, and on the lands owned by him, for the purpose of supplying his said mill with water, said dam not to exceed three feet in height: *Provided,* That the said John P. Ryerss shall erect an apron or lock in said dam of such construction as to render the passage safe and easy for rafts, arks and boats common in said river, at all times during the continuance of said dam: *And provided further,* That nothing herein contained shall be so construed as to authorise the said John P. Ryerss to raise said dam in such a manner as to overflow the lands of any other person, and that it shall be lawful for the legislature to repeal or modify this act without incurring any liability for damages in consequence of such repeal or modification.

Proviso

Right to repeal

CHAP. 107.

AN ACT *to change the Name of William Middleton.*

Passed April 1, 1826.

William M Fish

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the name of William Middleton, the younger, shall be, and the same hereby is changed to the name of William M. Fish, by which name he shall henceforth be called and known in all cases whatsoever.

CHAP. 108.

AN ACT *to continue in force an act entitled "An Act to amend an act entitled 'an act to prevent Horse Racing, and for other purposes,'" passed March* 30, 1821.

Passed April 3, 1826.

Former act continued

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "an act to amend an act entitled 'an act to prevent horse racing and for other purposes,'" passed March thirtieth, eighteen hundred and twenty-one be, and the same is hereby continued in force for the term of ten years from and after the thirtieth day of March next.

CHAP. 109.

AN ACT *further to amend an act entitled "An Act to incorporate and vest certain Powers in the Freeholders and Inhabitants of the Village of Brooklyn, and to create a Public Stock.*

Passed April 5, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the board of trustees of the village of Brooklyn, as soon as conveniently may be after the passage of this act, to create a public fund or stock, not exceeding fifteen thousand dollars, to defray the expense of building a public market, and which public funds or stocks shall be denominated "The Brooklyn Village Stock," and that a proper book or books for receiving subscriptions to the said funds be opened at such times and places as the board of trustees of the said village for the time being may from time to time direct and prescribe, to continue open each of said times so long as the said board of trustees for the time being may direct, and until such sum as they shall direct shall be subscribed for: *Provided*, That it shall not be lawful for any public meeting of the freeholders and inhabitants of the said village in any one year to vote a sum to be funded, exceeding the sum of fifteen thousand dollars, and the sums which shall be subscribed to the funds authorised to be raised by this act, and by the vote of the freeholders and inhabitants of the said village, shall be payable at such times and places, and in such manner as shall for that purpose be prescribed by ordinances or resolutions of the said board of trustees, and either in specie or in current notes of such banks as the said board of trustees shall direct, or in such bonds of the said board of trustees as may then be outstanding, according to the real value of the said bonds, after deducting such sums or demands as the said board of trustees may have a legal right to set off against the said bonds in cases where any such right may exist.

Trustees may create stock

Proviso

2. *And be it further enacted*, That for the said sum so subscribed and paid, the subscriber or subscribers shall be entitled to a certificate or certificates, signed by the president of the said village, and countersigned by such person as the said board of trustees for the time being may from time to time direct, in such form as the said board of trustees may prescribe, for a sum or sums, which shall together be equal to the amount so subscribed and paid, and each and every certificate to purport in substance as follows, to wit: That the trustees of the said village owe to such subscriber or subscribers a sum therein to be expressed, not less however than fifty dollars, bearing an interest not exceeding seven per cent per annum, the said interest to be paid half yearly or quarter yearly, as the said board of trustees for the time being may see fit to direct, and the said principal not to be redeemable until ten years after the date of such certificate.

President to give certificate of stock &c.

3. *And be it further enacted*, That it shall be the duty of the president of the said village, to superintend the subscriptions to the said funds, to open books for the same, to issue the certificates above mentioned, to enter in books to be by him kept for that purpose,

Duty of president in relation to stock

credits to the respective subscribers to the said funds for the sums to which they shall be respectively entitled, to transfer the said credit from time to time as shall be requisite, to pay the interest thereupon as the same shall become due, either by warrants to be prepared for the purpose, or in such other way as may be directed by the board of trustees of the said village, and generally to observe and perform such directions and regulations as shall from time to time be prescribed to him by the said board of trustees, touching the execution of his said office.

How transferable

4. *And be it further enacted*, That the said stocks which shall be created by virtue of this act, or by virtue of a vote of the freeholders and inhabitants of the said village, as provided for in and by this act, shall be transferable only on the books of the board of trustees of the said village, by the proprietor or proprietors of the said stock, or his, her or their attorney for that purpose duly authorised.

Interest when paid

5. *And be it further enacted*, That the interest upon the said stocks, as the same shall become due, shall be payable half-yearly on the first day of May, and on the first day of November, or quarter yearly on the first day of May, on the first day of August, on the first day of November and on the first day of February, according to the terms of the said subscription or the agreement between the parties, and the certificate aforesaid, unless either of the said days shall happen to be Sunday, and in such case the interest shall be payable the next day.

Security to be given

6. *And be it further enacted*, That the persons entrusted by the said board of trustees with the execution of this act, shall, before they enter upon the duties imposed upon them, become bound in such sureties, and to such amount as shall be satisfactory to the said board of trustees, conditioned for the faithful execution of the said duties entrusted to them.

Rights not to be impaired

7. *And be it further enacted*, That nothing in this act contained shall be construed in any wise to abridge or impair the rights of those persons, who may hold bonds of the said board of trustees, and who shall not subscribe to the said public funds.

Certificates binding upon corporation

8. *And be it further enacted*, That the certificates to be issued in manner aforesaid, though not under the common seal of the said village, shall be binding and obligatory upon the corporation of the said village, in like manner and with like force and effect as though the same were issued under the said common seal.

Faith of corporation pledged, &c

9. *And be it further enacted*, That the faith of the corporation of the said village shall be pledged for the final redemption and payment of the stocks which shall or may be created, pursuant to the provisions of this act, and that all and singular the revenues, property and estate, real and personal, belonging to the corporation of the said village, shall be and they are hereby pledged and appropriated for the payment of the interest which shall become due on the said stocks, and shall continue so pledged until the final redemption of the said stocks.

Election of trustees

10. *And be it further enacted*, That the freeholders and inhabitants of the village of Brooklyn, qualified to vote at town meetings, may on the first Monday of May after the passage of this act, and on the first Monday of May in each and every year thereafter, meet at some proper places to be appointed by the trustees for the time

being, by a notice of one week, and then and there proceed to elect ten discreet freeholders resident within the said village, to be trustees thereof, who, when chosen, shall possess and exercise the several powers and rights vested in the trustees of the said village, by the several acts relating thereto, and the said freeholders and inhabitants qualified as aforesaid, may at the said elections by a general ticket, elect a discreet freeholder for president of the said village, separate and distinct from the said ten trustees; and the freeholder having the greatest number of votes for president, shall be the president of the said village, and shall have and exercise all the powers and duties vested in the president by the several acts relating to the said village, any law to the contrary hereof in any wise notwithstanding.

Village to be divided in to five districts

11. *And be it further enacted*, That it shall be and is hereby made the duty of the present trustees of the said village, as soon as conveniently may be after the passage of this act, to divide the same into five districts, respect being had to the number of voters in each district, so as to make the same as nearly equal as may be, and that two of said trustees shall be elected out of each of said districts by a plurality of votes; and that it shall be and is hereby made the duty of the trustees of the said village from time to time, as the increase of population may require, to alter the said districts so as to apportion the number of voters as nearly as may be in the said five districts.

Inspectors of elections

12. *And be it further enacted*, That from and after the passage of this act, it shall be and is hereby made the duty of the trustees of the said village for the time being, to appoint three suitable persons in each of said districts to be inspectors of the elections of president, trustees and assessors, and of the election provided for in the seventh section of the act hereby amended in such districts, and that the said inspectors shall be paid by the treasurer of the said village, on the warrant or order of the president of the said village, the same compensation for their services, as is now allowed to the inspectors of elections of trustees and assessors in the said village, any law to the contrary notwithstanding.

Trustees not to hold certain offices

13. *And be it further enacted*, That it shall not be lawful for any member of the board of trustees of the said village, to hold any office of profit or emolument derived from or under the said board.

Wells and pumps, how kept in repair

14. *And be it further enacted*, That it shall and may be lawful for the board of trustees of the said village, to keep in repair the wells and pumps in the said village by a general assessment on the said village, any law to the contrary hereof in any wise notwithstanding.

Duty of clerk

15. *And be it further enacted*, That it shall be and is hereby made the duty of the clerk of the board of trustees of the said village, under the direction of the said board of trustees, to keep a regular account of all the receipts and expenditures of the said board, of what name or nature soever, in a book to be provided by them for that purpose, which book shall be kept at the office of the said board of trustees, and shall be open at all reasonable times for the inspection of all persons having any interest therein: *And further*, That it shall be and is hereby made the duty of the said board of trustees, at each and every annual meeting of the freeholders and inhabitants of the said village, to render to the said freeholders and inhabitants a specified account of all the receipts and expenditures of the said

Account to be rendered by trustees

How published

village, for the year then past; and which account shall be published in the newspapers printed in the said village, at least one week previous to such annual meeting.

CHAP. 110.

AN ACT *to amend "an act to incorporate the La Fayette Insurance Company of the City of New-York," passed April* 8, 1825.

Passed April 5, 1826.

Name changed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the name of the said company shall be changed, and that the same shall hereafter be known by the name and style of "The Anchor Insurance Company of the City of New-York," and that the time limited in the seventeenth section of the act hereby amended, for filing the affidavit therein mentioned, shall be extended for one year from the passing of this act.

Filing affidavit extended

CHAP. 111.

AN ACT *to increase the number of Firemen in the Village of Athens.*

Passed April 5, 1826.

24 additional firemen

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the village of Athens from time to time, to designate twenty-four able bodied and efficient men, residing in said village, as firemen in addition to the number of firemen now authorised by law, and that the persons so designated, shall be subject to all the duties and liabilities, and entitled to all the privileges and immunities of the present firemen of the said village: *Provided,* That nothing herein contained, shall be construed to compel any person to serve as a fireman under this act, without his consent.

Their duties and liabilities

Proviso

CHAP. 112.

AN ACT *for the Relief of Johnstown Academy.*

Passed April 5, 1826.

$1600 to be paid to Johnstown Academy

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer shall pay, on the warrant of the comptroller, to the trustees of Johnstown academy, the sum of sixteen hundred dollars: *Provided,* That before the receiving the said sum, the trustees shall give security, satisfactory to the comptroller, for the faithful application of said sum to the erection of a suitable building for the said academy, or to the repair of the

Proviso

present building, and to the purchase of a library and chemical apparatus, and that they will duly account for the expenditure thereof to the regents of the university.

CHAP. 113.

AN ACT *further to amend the act entitled "An Act to authorise Benajah Byington to search for Rock Salt, in the County of Onondaga," passed April* 13, 1820.

Passed April 5, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "An Act to authorise Benajah Byington to search for Rock Salt, in the county of Onondaga," passed April 13, 1820, shall continue in force for three years from the passing of this act. Former act continued

CHAP. 114.

AN ACT *for the Relief of the New-York Dry Dock Company.*

Passed April 6, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the said company to locate their banking house on the property now belonging to said company, in the eleventh ward of the city of New-York: *Provided*, That nothing herein contained shall be so construed as to authorise the said company to commence any banking operations, unless the conditions of the act of incorporation shall have been complied with, or to excuse any forfeiture that may have accrued: *And provided further*, That the said company are hereby expressly prohibited from keeping any office of discount or deposit, or any office or place for the transaction of any of the business pertaining to, or connected with their banking operations, or for loaning any of their notes or other securities, or for doing any other business by way of discounts or loans, or otherwise, out of the banking house herein authorised to be erected and located in the eleventh ward of the said city: *Provided*, That nothing herein contained shall be construed to prohibit the president and directors of the said company from convening in any other part of the said city for the purpose of deciding on the notes to be offered to the said company for discount.

Location of banking house

Proviso

Prohibition against keeping office else where

Directors may convene in any other part of the city for deciding on notes

CHAP. 115.

AN ACT *relative to certain School Districts in the City of Hudson.*

Passed April 7, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, as follows:

School money how apportioned and paid

1. The amount allowed to the city of Hudson by the superintendent of common schools, shall be apportioned by the treasurer of the county of Columbia between the Hudson Lancaster school society and such common school districts and parts of districts as now are, or hereafter may be organized out of the compact part of the said city, in a ratio proportioned to the number of inhabitants in such districts and parts of districts respectively, and the number of inhabitants in the compact part of the said city, and shall pay the amount thus apportioned to the commissioners of common schools of the said city.

Duty of treasurer

2. The said treasurer shall transmit to the board of supervisors of the said county, at their annual meeting, a certified copy of the said apportionment.

Duty of supervisors in taxing

3. The supervisors of the said county shall annually add to the amount to be raised on the inhabitants of the said districts and parts of districts respectively, for defraying town expenses, a sum equal to the amount so apportioned to such districts and parts of districts, with the addition of five cents on the dollar for collecting fees, and shall cause the same to be collected at the same time and in the same manner as other taxes levied on towns are by law to be collected.

Collector to pay to commissioners

4. The collector shall pay over the monies so collected by him, after deducting five cents on the dollar for his fees, to the commissioners of common schools of the city of Hudson.

Commissioners of common schools to distribute money

5. The commissioners of common schools of the said city shall distribute and pay to the trustees of the said school districts and of the parts of school districts, the amount so received by them from the said collector and from the county treasurer, in the same proportion in which such sums were collected from the said districts and parts of districts respectively.

Assessors to designate, &c

6. To enable the supervisors to make the said addition, it shall be the duty of the assessors of the ward within which such school districts and parts of districts shall be situated, to designate on their assessment rolls the inhabitants who reside within the said districts respectively.

Former act repealed

7. The "Act relative to certain schools in the city of Hudson," passed April 11, 1820, is hereby repealed.

CHAP. 116.

AN ACT *vesting certain powers in the Mayor, Aldermen and Commonalty of the City of Albany, for the purpose therein mentioned.*

Passed April 8, 1826.

Centre-street may be discontinued

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the mayor, aldermen and commonalty of the city of Albany be and they are hereby authorised to discontinue and abolish that part of Centre-street situated between Lawrence and North Ferry-streets, in the fifth ward of the aforesaid city.

CHAP. 117.

AN ACT *to amend the Act relating to Common Schools in the City of New-York, passed November* 19, 1824.

Passed April 8, 1826.

Preamble

WHEREAS by the act, entitled "an act relating to common schools in the city of New-York," passed November nineteenth, eighteen hundred and twenty-four, the corporation of the city of New-York are authorised to appoint ten of the inhabitants of said city, one from each ward of said city, to be commissioners of school money; and since the passage of said act the city of New-York has been divided into twelve wards: *And whereas* a vacancy has occurred in said board of commissioners by the resignation of the commissioner appointed for the eighth ward: Therefore,

12 school commissioners in N Y

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the number of commissioners of school money in the city of New-York, shall be twelve instead of ten, one to be chosen from each of the wards of said city, and appointed in like manner, by the like authority, and for the like term as is provided in and by the act hereby amended: *Provided,* That the commissioners of school money already appointed in the city of New-York shall hold their offices until the month of January, in the year one thousand eight hundred and twenty-eight, and until new ones shall be appointed; and that the corporation of said city, in common council convened, are hereby authorised to appoint persons to fill the vacancies in said board of commissioners immediately, who shall also hold their offices until the month of January, in the year eighteen hundred and twenty-eight, and until new ones shall be appointed.

Proviso

Corporation to fill vacancies, &c

CHAP. 118.

AN ACT *to amend an Act, entitled "An Act for the Relief of the Town of Rye."*

Passed April 8, 1826.

Trustees to take charge of certain lands

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees elected by the act, entitled "An act for the relief of the town of Rye," passed February ninth, eighteen hundred and twenty-one, to take charge and possession of all such lands in said town as are in the situation of those described in the preamble of the act hereby amended, and have the same rights, privileges and powers in relation to the same, and for the same purposes, as are given and granted by said act in relation to the lands described therein,

Power to lease, &c

with power also to lease either or any of such lands from time to time as may be directed by the inhabitants of said town at their annual town meeting, (until otherwise disposed of,) applying the rents

Proviso

and profits to the support of the public schools in said town: *Provided*, That nothing herein contained shall be to abridge or defeat the vested rights or interests of any person of, in or to such lands, or any part thereof.

CHAP. 119.

AN ACT *to amend an act entitled "An Act prescribing the times and places of holding the Courts of Common Pleas and General Sessions of the Peace in the County of Kings," passed April 1, 1826.*

Passed April 8, 1826.

Term of common pleas in Kings.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the next term of the courts of common pleas and general sessions of the peace, in and for the county of Kings, shall be holden at the court-house at Flatbush, in the said county, on the third Tuesday of April instant, any thing in the act hereby amended to the contrary notwithstanding.

CHAP. 120.

AN ACT *to alter the time of the Annual Meeting of the Board of Supervisors in the County of Cortland, and for other purposes.*

Passed April 8, 1826.

Certain act to apply to Cortland

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the act entitled "an act to alter the time of the annual meeting of the boards of supervisors in several of the counties of this state, and for other purposes," pas-

sed April 19, 1825, shall hereafter be applicable to the county of Cortland, in the same manner as if said county had been named in the above entitled act.

CHAP. 121.

AN ACT *for the relief of George Hall, Oliver W. Brewster and John Gridley, Trustees of School District number twenty-eight, in the Town of Onondaga, in the County of Onondaga.*

Passed April 8, 1826.

WHEREAS it appears to the legislature that an error was made in laying an assessment for the collection of monies imposed as a tax on school district number twenty-eight, in the town of Onondaga, in the county of Onondaga, or voted by said district in the month of October last, by reason whereof a part of the tax so directed to be levied cannot be collected and paid: Therefore, Preamble

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the trustees for the time being, of school district number twenty-eight in the town and county of Onondaga aforesaid, to make a new assessment on the real property in the said town, situated in said district, owned by or in the possession of Thaddeus M. Wood and Henry G. Breed, or either of them, for the purpose of levying thereon the sum of thirty-three dollars, to be assessed in such rateable proportions on the real estate aforesaid, as may be equitable and proper, and that after such assessment shall be made, that the trustees of said school district be, and are hereby authorised to issue their warrant for levying and collecting the same, and the collector of said district is hereby authorised to execute the same. New assessment on T M Wood and H G Breed

CHAP. 122.

AN ACT *to extend the Terms of the Court of Common Pleas and General Sessions of the Peace, in Columbia County.*

Passed April 8, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the judges of the court of common pleas of Columbia county, to hold and continue the terms of the said court of common pleas and general sessions of the peace in said county, every day (Sunday excepted) until and including Saturday of the week next succeeding the commencement of the terms of said court: *Provided however*, That it shall not be lawful to teste or make returnable any writ or process after Saturday of the first week of the term of said court. Judges may continue terms

Proviso

CHAP. 123.

AN ACT *to incorporate the Trustees of Bridgewater Academy.*

Passed April 8, 1826.

Corporation

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Willard Crafts, Sardius Denslow, Levi Carpenter, Samuel M. Mott, Jabez De Wolf, William Utter, John Hackley, Samuel Jones, Hiram Marsh, Isaac Woodworth, Chancey Baker, Timothy Dorland, Almond Luce, Levi Scott and Erastus G. Perkins, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name and style of the trustees of Bridgwater Academy, for the purpose of establishing an academy for literary instruction in the town of Bridgewater, in the county of Oneida; and by such name they and their successors forever hereafter, shall and may have succession, and have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and judicatures whatsoever and wheresoever, and also of contracting and being contracted with, relative to the business and purposes for which the said corporation is hereby created, and they and their successors by such name, shall be persons capable in law, of purchasing, taking, receiving, holding and enjoying any estate real and personal whatsoever, to the use of them and their successors: *Provided always*, That the yearly income of the real and personal estate and hereditaments to be held by the said corporation, shall not at any time exceed the sum of two thousand dollars, and that they and their successors shall have full power to lease, sell and convey such real estate and such hereditaments as they shall deem most beneficial to the interest of said academy; and also to dispose of all such personal estate at their will and pleasure, as to them shall appear most advantageous for promoting the purposes of the said institution.

Style

Purpose

General powers

Proviso

Seal

2. *And be it further enacted*, That the said corporation shall have a common seal, and alter, destroy and renew the same at pleasure, and as often as three or more of the trustees of the said academy shall think fit, and shall signify the same to the senior trustee, or to such other person as shall be elected by the said trustee, to perform his duties; the senior trustee or the person elected to perform his duty, shall call a meeting of the trustees of the said academy, at such convenient time and place as he shall appoint, not less than eight nor more than twelve days from the time of such request, of which previous notice in writing shall be affixed on the door of the said academy, and of the church nearest thereto, within two days after such appointment; but it shall be lawful for the senior trustee or the person elected to perform his duties, on such request as aforesaid, to call a meeting of the trustees of the said academy, at such time and place as he shall appoint, without affixing the notice as aforesaid, if, instead of affixing such notice as aforesaid, a personal notice of the time and place of holding such meeting, be given

Trustee meeting

How notified

to each of the trustees if at home, and if absent a written notice of the time and place of holding such meeting to be left at the dwelling-house of such absent trustee, at least five days previous to the time of holding such meeting; and at every such meeting, called in either of the ways aforesaid, the senior trustee, or the person elected to perform his duties, shall preside, such seniority in all cases to be determined according to their nomination in this act, or according to the priority of their election, after all the trustees named in this act shall become extinct, and a major part of the trustees of the said academy, shall always be a sufficient quorum to do business; and shall have full power to adjourn from time to time, as the duties of their trust may require; and it shall not be necessary to give notice of a meeting held in pursuance of an adjournment, and it shall be lawful to and for such quorum of the trustees of the said academy when assembled, and met as aforesaid, or a major part of such quorum from time to time, to appoint a treasurer and clerk, principal masters, tutors, teachers and other necessary officers, to ascertain their compensation, and to remove and displace any of them at their pleasure, and to make by-laws, rules and regulations for the government of the said corporation, and its affairs, and for the management and disposal of the property and estate of the said corporation, as they may deem requisite, to promote the designs and intent of establishing this corporation, and the same or any part of them to alter, amend or repeal from time to time, as they or a major part of them may think fit, and also to make such other by-laws for the admission, education, government and discipline of the scholars and students, and the establishment of the price and terms of tuition, as to a major part of a quorum, when legally assembled, shall appear most beneficial.

Quorum

Officers

By-laws

4. *And be it further enacted*, That whenever and as often as a vacancy shall happen in the said corporation, by the death, resignation, refusal or neglect to act for the term of one year, of any trustee of the said academy, it shall be lawful for the residue of the trustees of said academy, by a majority of votes, to elect and choose a fit person to fill up and supply such vacancy.

Vacancies how filled

5. *And be it further enacted*, That it shall be lawful for the trustees of the said academy, from time to time, and as often as a major part of a quorum when legally assembled shall think proper, to choose by a majority of votes, one of their body as president, for one year, or until another shall be chosen in his place, which president so chosen, may perform the duties required to be performed by the senior trustee of the said academy, in pursuance of this act.

President

6. *And be it further enacted*, That this act shall be and is hereby declared a public act, and shall be construed benignly and favorably, for every beneficial purpose hereby intended; nor shall any non-user of the privileges granted hereby, to the said corporation, create or produce any forfeiture of the same, and no misnomer of the said corporation in any deed, will, testament, grant, gift, demise or other instrument, contract or conveyance, shall defeat or vitiate the same: *Provided*, the said corporation be sufficiently described to ascertain the parties.

Public act

7. *And be it further enacted*, That the legislature may at any time hereafter, alter, modify or repeal this act.

Reservation

CHAP. 124.

AN ACT *to amend an act entitled "An Act to incorporate the Canal Turnpike Company."*

Passed April 8, 1826.

Turnpike extended

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the limits of the canal turnpike road, contained in the first section of the act hereby amended, passed February 28, 1823, be extended as follows: at the southern extremity thereof, from the foot of the great hill, commonly called Deacon Clark's place, in the town of Lee, (the present southern termination of said turnpike road,) southerly on or near the route of the state road to the court-house in the village of Rome; and on the northern extremity thereof, from the north side of Olmstead's creek, in the town of Turin, (the present northern termination of said turnpike road,) northerly on or near the route of the state road to the store of Seth Miller, jun. in the town of Turin; and thence northerly until it intersects the Turin and Leyden turnpike, on a route to be laid out in all respects agreeably to the third section of the act entitled "an act relative to turnpike companies," passed March 13, 1807, and that the fifth and sixth sections of the act hereby amended, shall apply to the said extensions of the said turnpike road.

When company may increase toll

2. *And be it further enacted*, That as soon as the southern extension hereby authorised to be added to the said turnpike road, shall be completed and inspected according to law, and the inspectors shall have certified to the governor of this state, that the said extension exceeds five miles, it shall be lawful for the said company to receive at the gate erected on the south part of said turnpike road, double the toll now authorised to be received at said gate, by the seventh section of the act hereby amended: *Proviso*

Proviso

Provided however, That the said southern gate shall never be erected any further south than its location previous to the passage of this act, and in like manner as soon as the northern extension hereby authorised to be added to the said turnpike road, shall be completed and inspected according to law, and the inspectors shall have certified to the governor of this state, that the entire length of said turnpike road from the court-house in the village of Rome, to the Turin and Leyden turnpike, in the town of Turin, exceeds twenty-five miles, it shall be lawful for the said company to erect a gate on the northern extension of said turnpike road hereby made, and to receive thereat one half of the tolls received at each of the other two gates.

Where to erect gate

Stock increased

3. *And be it further enacted*, That the stock of the said company be increased to eight hundred shares of twenty-five dollars each; and the president and directors of said company are authorised to receive subscriptions for said stock, as provided by the second section of the act entitled "an act relative to turnpike companies," passed March 13, 1807.

Right to repeal

4. *And be it further enacted*, That it shall and may be lawful for any future legislature to repeal, alter or amend this act.

CHAP. 125.

AN ACT *for the Relief of the Reformed Low Dutch Churches of Oyster-Bay and North-Hempstead, in Queens County.*

Passed April 8, 1826.

Preamble

WHEREAS Adam Tredwell, and Jane, his wife, of the city of New-York, by an indenture bearing date the twenty-eighth day of May, one thousand eight hundred and thirteen, did convey to Jacobus Monfoort and Joseph Hegeman, of Oyster-Bay, in Queens county, and Minne Onderdonk and Daniel Hoogland, of North-Hempstead, and county aforesaid, jointly, as agents or trustees for the Low Dutch congregations of Oyster-Bay and North-Hempstead, a house and lot of land situate in the village of Hempstead Harbor, and township of North-Hempstead aforesaid, for the purpose of a parsonage: *And whereas* the elders and deacons of said congregations have, by their petition to the legislature, prayed to be enabled at their discretion by law to sell and convey said parsonage: Therefore,

Trustees may sell parsonage

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That full power and lawful authority are hereby given unto Jacobus Monfoort, Joseph Hegeman, Minne Onderdonk and Jacob Schenck, or the major part of them, to make sale of the said house and lot of land, or any part thereof, at public or private sale, whenever the congregations of the aforesaid churches, or a majority of them, shall judge proper, and to pay the money arising from such sale or sales in the following manner; one half part thereof to the consistory of Oyster-Bay, and the other half to the consistory of North-Hempstead, to be by them respectively applied towards purchasing another parsonage, and for no other purpose whatsoever; and it is hereby made the duty of the said Jacobus Monfoort, Joseph Hegeman, Minne Onderdonk and Jacob Schenck, or such of them as shall make sale of said premises by direction as aforesaid, and their executors and administrators, to account with the consistories for the time being of the said churches respectively, for all the monies by them received by virtue of such sale or sales, at any time when by them thereunto required.

Application of the money

How to account

CHAP. 126.

AN ACT *providing for the Appointment of Inspectors of Sole Leather in the Counties of Montgomery and Madison.*

Passed April 8, 1826.

Inspectors how appointed

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state shall from time to time nominate, and with the consent of the senate appoint one inspector of sole leather in each of the counties of Montgomery and Madison, which inspectors hereafter to be appointed shall, before they enter on the duty

Oath

of their offices, take and subscribe the oath or affirmation required by the constitution of this state, before one of the judges of the court of common pleas of the aforesaid counties respectively.

Duty of inspector

2. *And be it further enacted*, That the said inspectors so to be appointed shall be governed by the provisions of the act, entitled "An act concerning the inspection of sole leather," passed March 5th, 1813, and shall be entitled to the like fees as are provided for in the aforesaid recited act, and no more: *Provided*, That no manufacturer or dealer in sole leather in the said counties of Montgomery and Madison shall be compelled to procure the sole leather owned or manufactured by him to be inspected, but it shall in all cases be discretionary with every such dealer or manufacturer in the said counties respectively, whether he will have his leather inspected or not, nor shall any such dealer or manufacturer as aforesaid incur any penalty for his neglect or refusal to procure his leather to be inspected, any law to the contrary notwithstanding.

Proviso

Inspection at the option of manufacturer

CHAP. 127.

AN ACT *to authorise Christopher Eldredge and John A. Collier to erect a Dam across the Susquehannah River, in the County of Broome.*

Passed April 8, 1826.

Dam authorised

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Christopher Eldredge and John A. Collier, their heirs or assigns, to erect and maintain a dam not exceeding three feet in height from low water mark, from the most convenient or suitable point opposite lots numbers seventeen, eighteen, nineteen, twenty or twenty-one, upon the south side of the Susquehannah river, on Bingham's patent, owned and occupied by the said Christopher Eldredge and John A. Collier, to either of the islands in said river owned and occupied by them: *Provided*, That said dam shall be so constructed as not to impede or obstruct the free passage of arks, rafts and boats in said river, in common rafting freshets.

Proviso

Legislature may repeal

2. *And be it further enacted*, That the legislature may at any time, if in their opinion the public good shall require it, alter, amend or repeal this act.

CHAP. 128.

AN ACT *to amend an Act, entitled "An Act for the Relief of the Auburn Academy, in the County of Cayuga," passed April 20th*, 1825.

Passed April 8, 1826.

$100 to be paid to Auburn academy

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer on the warrant of the comptroller, shall pay to the treasurer of Auburn academy

one thousand and two dollars, with interest thereon at six per cent from the twentieth day of April last: *Provided*, That it shall not be lawful for the comptroller to draw such warrant until the trustees of said academy shall obtain and deliver to the comptroller the certificate of the attorney-general, that the said trustees have, in due form of law, re-conveyed to the people of this state all the estate, right, title and interest vested in said trustees to lot number eighty-eight, in the town of Sterling, by virtue of letters patent issued in pursuance of the act hereby amended, and that said lot is free, clear and discharged from all grants or liens made or imposed thereon by said trustees. Proviso

CHAP. 129.

AN ACT *to incorporate the Bedford Academy.*

Passed April 8, 1826.

WHEREAS William Jay, Aaron Reed, Benjamin Isaacs and others, have associated themselves for the purpose of establishing an academy in the village of Bedford, in the county of Westchester: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William Jay, Aaron Reed, Benjamin Isaacs, and all such other persons as now are or shall hereafter become members of the said society, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Bedford Academy," and by that name they and their successors forever hereafter shall and may have succession, and by that name shall and may be persons in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, in all manner of actions, complaints, matters and causes whatsoever, and they and their successors may have a common seal and may change and alter the same at their pleasure, and that they and their successors by their names, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatsoever, to the use of them and their successors, hereby confirming all grants heretofore made to the use of the said society, by any person or persons whatsoever: *Provided always*, That the yearly income of the real and personal estate and hereditaments held by the said corporation, do not or shall not at any time exceed the sum of ten thousand dollars, and that they and their successors shall have full power to lease such real estate and hereditaments on such terms as they shall deem most beneficial, and also to dispose of all such personal estate at their will and pleasure, as shall appear to them most advantageous in promoting the purposes of said institution. Corporation. Name. General powers. Seal. Real estate. Proviso.

2. *And be it further enacted*, That there shall be forever hereafter twelve trustees of the said corporation, who shall conduct and manage all the affairs thereof, and that the said trustees shall be members of the said corporation, and the first trustees of the said corporation shall be William Jay, Aaron Reed, Benjamin Isaacs, Trustees.

Philip Smith, Launcelot G. McDonald, Nehemiah S. Bates, Walter Keeler, Jacob Green, Samuel Nichols, Seth Lyon, William Marshall and Joseph Pilliman, who shall hold their offices until the second Wednesday of May in the year one thousand eight hundred and twenty-seven.

General meeting

3. *And be it further enacted*, That on the second Wednesday of May, in the year one thousand eight hundred and twenty-seven, and yearly every year thereafter, on the second Wednesday of May, there shall be a general meeting of the members of the said corporation at some convenient place in the village of Bedford, to be fixed on by the by-laws of the said corporation for the year next ensuing, and by a majority of such of them as shall so meet, they shall by ballot elect twelve of their numbers to be trustees of said corporation for the year next ensuing, that each member shall be entitled to a vote for every share of five dollars, but that no member shall be entitled to more than five votes for said trustees and for their officers; and the said trustees shall have power to choose out of their numbers a president, a treasurer and a secretary, who shall immediately enter on the duties of their respective offices, and hold the same from the time of such election, for and during the space of one year, and until others shall be elected in their stead, and that Benjamin Isaacs shall be the first president of said corporation, and William Jay the treasurer and secretary, to hold their said offices until the second Wednesday of May one thousand eight hundred and twenty-seven; and in case any of the persons so elected to be trustees of the said corporation shall die or resign before the time of their appointed service expires, or shall refuse or neglect to act in or execute the said offices, then and in every such case the remaining trustees of the said corporation shall, within thirty days thereafter, by ballot, elect other or others of the numbers of the said corporation, instead of him or them so dying, resigning or neglecting to act, and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the second Wednesday of May then next ensuing, and until other, another or others shall be chosen in their stead: *And povided always*, That the said trustees shall have full power, and it shall be in their discretion to elect and appoint out of the members of said corporation an additional number of trustees not exceeding eight, at any of their meetings.

President treasurer & secretary

Vacancies how filled

Additional trustees

By-laws

4. *And be it further enacted*, That the trustees of the said corporation may make all such by-laws, rules and regulations for the government of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation as they may deem requisite to promote the designs and intent of establishing this corporation, and the same or any part of them, to alter, amend or repeal from time to time, as they or a major part of them may think fit, and shall have power whenever they may judge it necessary to call a general meeting of the members of the said corporation, who may adjourn from time to time as to them shall seem proper.

Instructors & other officers

5. *And be it further enacted*, That the said trustees at any regular meeting shall and may nominate and appoint one or more instructors to take charge of the said academy, under the care and direction of the said corporation; and also appoint such other officers

or servants as they may think proper, and to allow and fix their respective compensations, and such teacher, officers or servants or any of them at their pleasure, to dismiss and discharge, and another or others to appoint in their stead. Their compensation

6. *And be it further enacted*, That any person who has contributed or hereafter shall contribute to the benefit of the said institution, any sum not less than five dollars, shall be a member thereof, and be entitled to the privileges granted to the members thereof, by this act, and none others but contributors to the said institution shall be deemed members thereof. Members

7. *And be it further enacted*, That this act shall be, and is hereby declared a public act, and shall be construed benignly and favorably, for every beneficial purpose hereby intended, nor shall any nonuser of the privileges granted hereby to the said incorporation, create or produce any forfeiture of the same, and no misnomer of the said corporation, in any deed, will or testament, grant, gift, demise or other instrument, contract or conveyances, shall defeat or vitiate the same: *Provided* the corporation be sufficiently described to ascertain the parties. Public act. Proviso

8. *And be it further enacted*, That it shall be lawful for the said trustees to purchase and hold any stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or monies, and also to sell and transfer the same, and again to renew such investment in any manner they may deem proper, when and so often as exigencies and a due regard to the interest of the said Bedford academy shall require: *Provided*, That no investment shall be made unless with the written assent of at least five of the trustees of the said academy. Trustees to manage funds. Proviso

9. *And be it further enacted*, That the trustees of the Bedford academy may open books of subscription to the capital stock of the same, and keep them open from time to time, until the whole capital stock shall be subscribed, and that the said stock shall be assignable and transferable according to such rules, and subject to such restrictions and regulations as the said board of trustees shall from time to time establish, and shall be considered personal property. Book of subscription. Transfers of stock

10. *And be it further enacted*, That in case the trustees shall at any time deem it expedient to reduce or increase the number of trustees, it shall and may be lawful for them so to do: *Provided*, That the board of trustees determine on such reduction or increase, and give public notice thereof in a public newspaper printed in the county of Westchester, at least once a week for three months previously to the election of such trustees: *And provided further*, That the number of trustees shall not be reduced below five, nor increased above fifteen: *And provided further*, That the legislature may at any time alter, modify or repeal this act. Trustees may be reduced or increased. Proviso. Not below 5 nor above 15. Right to repeal

CHAP. 130.

AN ACT *to amend an act, entitled "An Act to incorporate the Fort Miller Bridge Company," passed March* 16, 1803.

Passed April 8, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the president and directors of the Fort Miller Bridge Company, are hereby authorised to rebuild their said bridge with piers only fifty feet apart, any thing in the act hereby amended to the contrary notwithstanding, and the legislature may at any time hereafter, alter, modify or repeal this act.

Piers how constructed

Right to repeal

CHAP. 131.

AN ACT *to amend an act, entitled "An Act to incorporate the Long Causeway Turnpike Company."*

Passed April 8, 1826.

Preamble

WHEREAS an act was passed by the senate and assembly of the state of New-York, on the seventh day of April, one thousand eight hundred and twenty-three, incorporating a turnpike company in the county of Niagara, by the name of the Long Causeway Turnpike Company, with a capital stock of four thousand dollars: *And whereas* David Maxwell of the said county, has purchased and become the sole owner of the capital stock of said company, has completed the said road, and has erected a toll gate thereon, agreeably to the provisions of the said act: Therefore,

David Maxwell to have rights granted by a certain act, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the said David Maxwell, his heirs, executors, administrators and assigns shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act to incorporate the long causeway turnpike company," and shall be subject to all the conditions, provisions, restrictions and regulations which are contained in the said act, and also in the act regulating turnpike companies, passed March thirteenth, one thousand eight hundred and seven, except in so far as is inconsistent with the provisions of this act.

And to keep land necessary for road

2. *And be it further enacted,* That it shall and may be lawful for the said David Maxwell, his heirs, executors and assigns to enter on, and keep in possession such quantity of land (not exceeding six rods wide,) as shall be necessary for the preservation of the said road, and the legislature may at any time hereafter, alter, modify or repeal this act.

Right to repeal

CHAP. 132.

AN ACT *to amend an Act, entitled "An Act to incorporate the Village of Ithaca," passed April* 2, 1821.

Passed April 8, 1826.

Bounds of village

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the village of Ithaca, shall hereafter contain the district of country within the following bounds, that is to say; beginning at the northeast corner of lot number ninety four in the township of Ulysses, in the now town of Ithaca, thence west to the northwest corner of said lot, thence south to the northeast corner of De Witt's location, thence west to the west line of said location, thence south along the west line of said location to the southwest corner of the same, thence due east to the east line of lot number ninety-four, thence north along the east line of said lot number ninety-four, to the place of beginning.

Trustees to appoint fire men

2. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village of Ithaca, and they are hereby authorised and empowered to appoint one or more companies of firemen, in the same manner and subject to the same rules and regulations as is provided in and by the fifteenth section of the act hereby amended.

CHAP. 133.

AN ACT *concerning the County Courts in the County of Delaware.*

Passed April 8, 1826.

Terms prescribed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the courts of common pleas and general sessions of the peace, in the county of Delaware, shall be held on the first Mondays of June, October and February in every year, and continue to be held open from day to day, during the week, until the business before the court shall justify an adjournment to the next term, but no grand jury shall be summoned to attend any such court of general sessions of the peace, except at the October term.

Process how returnable

2d. All writs, process, recognizances and other proceedings which have been or may be made or issued, returnable in the said courts, on the third Monday in June next, or any day thereafter in the same week, shall be deemed and taken to be returnable in such courts on the first Monday in June next.

CHAP. 134.

AN ACT *more effectually to provide for defending the Titles of certain Persons in the Counties of Putnam and Dutchess, derived from the People of this State, against any claim set up by or under the Children of Roger Morris, and Mary his Wife, deceased.*

Passed April 8, 1826.

Duty of attorney-general relating to lands in Putnam

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever any suit or proceedings shall be commenced for the recovery of any land in the county of Putnam, or the county of Dutchess, by any person setting up a title to the same derived or pretending to be derived under the children of Roger Morris, and Mary his wife, deceased, it shall be the duty of such person so proceeded against to give notice of the same to the governor of this state, who shall give the same to the attorney-general, whose duty it shall be to defend every such suit or proceeding upon every legal ground in his power.

Governor may employ additional counsel

2. *And be it further enacted*, That the governor may employ such able counsel and other persons to assist the attorney-general in every such defence, as he may judge necessary and proper; and the comptroller shall from time to time draw his warrant on the treasurer for such sum or sums of money as the governor shall certify to be reasonable and just, to pay counsel fees and other expenses in the premises; and a reasonable allowance shall be made to the attorney-general for extra services and expenses, to be certified by the person administering the government of this state.

Compensation

CHAP. 135.

AN ACT *for the Relief of the Trustees of School District number Thirteen, in the town of Lansing, in the County of Tompkins.*

Passed April 10, 1826.

Commissioners of land-office to grant land to school district, &c

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for the commissioners of the land-office, and they are hereby required to grant letters patent to Abraham Minier, Daniel F. Howe and Joseph Knettles, trustees of school district number thirteen, in the town of Lansing, in the county of Tompkins, and their successors in office, for one fourth of an acre of land, situate in the town and county aforesaid, and being part of subdivision number nine of lot number eighty-three, in the township of Milton, in the military tract, escheated to the state, marked A, and is described in the field-book and map of the subdivision of said lot filed in the secretary's office, as follows, to wit: beginning north nine degrees west, three chains and twenty-one links from the north line of Robert T. Shaw's store lot, so called; then north nine degrees west, one chain and sixty links; thence south eighty-one degrees east, one chain and sixty links; thence

south nine degrees east, one chain and sixty links; thence south eighty-one degrees west, one chain and sixty links, to the place of beginning, containing twenty-five hundredths of an acre: *Provided*, That the said trustees shall make application therefor on or before the first day of January, one thousand eight hundred and twenty-seven, and pay the price at which it was valued in the year one thousand eight hundred, together with the attorney-general's costs, and the expense of surveying and appraising the same. Proviso

CHAP. 136.

AN ACT *to incorporate the Bainbridge Central Bridge Company.*

Passed April 10, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Sylvester Corben, Nathaniel Benton, Solomon Warner, Isaiah Sanders, William Guthrie, and all such persons as shall associate for the purpose of erecting and building a bridge over the Susquehannah river, in the town of Bainbridge, in the county of Chenango, at or near the dwelling house of Nathaniel Benton in said town of Bainbridge, shall be, and are hereby made a corporation, in fact and in deed, by the name of the President and Directors of the Bainbridge Central Bridge Company; and by that name they and their successors shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of causes, suits and actions whatsoever; and they and their successors shall and may have and use a common seal, and change and alter the same at pleasure, and they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided*, That such estate, as well real as personal so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and to no other purpose whatever. Corporation. Name. General powers. Seal. Proviso.

2. *And be it further enacted*, That it shall be lawful for the said president and directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company. Payment of stock.

3. *And be it further enacted*, That Sylvester Corben, Solomon Warner, Isaiah Sanders, William Guthrie and William Banks, are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall, on or before the first day of July next, procure five books, and in each of them enter as follows:—We, whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay unto the president and directors of the Bainbridge Central Bridge Company, the sum of twenty-five dollars for each and every share set opposite to our respective names, in such manner and proportion, and at such Commissioners and their duty.

times and places as shall be determined by the said president and directors; one of which books shall be left with each of said commissioners, for the purpose of receiving subscriptions, and said commissioners shall, as soon as one hundred shares are subscribed, cause notices to be affixed in three of the most public places in said town, giving at least twenty days notice of the time and place, the said subscribers shall meet for the purpose of choosing five directors, who shall be stockholders, for the purpose of managing the concerns of said company for one year thereafter, and until others shall be chosen, which day shall thereafter be the anniversary day of choosing directors, unless otherwise directed by the by-laws of said president and directors; and every act of a majority of said directors shall be binding; and said directors shall choose one of their number to be their president, and said president and directors may meet from time to time, and at such time and place as a majority of them shall think proper, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state and the United States, as shall be necessary to the well-ordering the concerns of said company, and shall have power to appoint such officers and agents, as may be necessary to manage said concerns, and at all elections each stockholder shall be entitled to one vote for each share of stock he may own.

Directors.

President

By laws

Officers and agents

Number of shares

4. *And be it further enacted*, That the number of shares of the stock of said company shall not exceed two hundred, of twenty-five dollars each, and the said shares shall be deemed personal property, liable to be assigned and transfered.

Bridge how built

5. *And be it further enacted*, That the said bridge shall be built at least twenty feet wide, and the sides thereof be secured by good and substantial railing, not less than four feet high, and the same to be kept in good repair, and safe for passengers during the time that tolls shall be received for passing the said bridge.

No other bridge within one mile

6. *And be it further enacted*, That it shall not be lawful for any person or persons, to erect any bridge, or establish any ferry across the said river within one mile, either above or below the bridge to be erected in pursuance of this act.

Bridge to be inspected

7. *And be it further enacted*, That as soon as said bridge shall be completed and finished, and as soon as any two of the judges of the court of common pleas of said county shall, on inspection, certify under their hands, that the same is finished in a substantial manner, according to the true intent and meaning of this act, then it shall be lawful for said president and directors, to receive, demand and take from every person crossing said bridge, for the use of said corporation, a toll not exceeding the rates following, to wit: for every coach, phaeton or other pleasure carriage, drawn by four horses, nineteen cents; drawn by two horses, twelve and an half cents; drawn by one horse, six and a fourth cents: for every waggon or cart other than pleasure carriages, drawn by four horses, mules or oxen, twelve and a half cents; drawn by two horses, mules, or oxen, six and a fourth cents; drawn by one horse or mule, four cents; and for every additional horse, mule or ox, two cents; for every sleigh or sled, drawn by two horses, mules, or oxen, four cents; for every additional horse, mule or ox, two cents; for every sleigh or sled drawn by one horse or mule, three cents; for every horse and rider, three cents; for every horse, jack or mule, led or

Rates of toll

driven, two cents; for every score of cattle, twelve and one half cents; for every score of sheep or hogs, seven cents; and so in proportion for a greater or less number; and it shall be lawful for the toll gatherers to stop every and any person, from passing the said bridge or gate, until they shall have respectively paid the toll herein allowed to be collected. Travellers on foot to pass free.

Company when dissolved

8. *And be it further enacted*, That in case the said bridge shall not be completed in three years from the passing of this act, or after being completed, shall remain impassable for one year, then the said company shall be dissolved: *Provided*, That no such dissolution of said corporation shall take place, if the said bridge shall be carried away by ice, freshets or other accidents, in case the same shall be rebuilt within two years after the same shall be so carried away.

Proviso

Penalty for passing without paying toll

9. *And be it further enacted*, That if any person or persons shall forcibly pass the gate to be erected at said bridge, or shall cause his, her or their horse, carriage, waggon, sleigh, sled, cattle or other thing, to pass the bridge without paying the legal toll, such person or persons shall forfeit and pay a fine not exceeding ten dollars, nor less than one dollar, for each and every such offence, to be sued for and collected in the name of the treasurer of said corporation, to the use of said company, before any justice of the peace of said county.

Lists of toll

10. *And be it further enacted*, That it shall be the duty of the said president and directors, to cause to be affixed in some conspicuous place, over or near said gate, a list of the said rates of toll, and in default thereof, to be subject to a penalty of five dollars for every forty-eight hours, to be sued for and recovered by any person who shall prosecute for the same.

Penalty on toll gatherer

11. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any traveller or passenger at the said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit the sum of five dollars, to be sued for and recovered by the person so aggrieved, before any justice of the peace of said county.

Penalty for injuring bridge

12. *And be it further enacted*, That if any person or persons shall wilfully do any injury to said bridge, or any thing appertaining to the same, or shall cause the same to be done, he or they so offending, shall forfeit and pay the said company treble the amount of said damages sustained by means of such injury, to be recovered in an action of trespass, in the name of the said treasurer, in any court having cognizance thereof.

Public act, and may be repealed

13. *And be it further enacted*, That this act be and is hereby declared to be a public act, to continue in force for the term of twenty-five years from the passing of the same: *Provided*, That it shall and may be lawful for the legislature at any time, to alter, modify or repeal this act.

CHAP. 137.

AN ACT *for the Relief of Peter Crapoo.*

Passed April 10, 1826.

100 acres of land granted for revolutionary services

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be lawful for, and the commissioners of the land-office are hereby required to issue letters patent to Peter Crapoo, his heirs and assigns, for one hundred acres of land, in the township of Sterling, in full compensation for the military services of the said Peter Crapoo, in the revolutionary war.

CHAP. 138.

AN ACT *to authorise the Supervisors of the Counties of Cattaraugus and Erie to raise Money to build a Bridge over the Cattaraugus Creek, at the Village of Lodi.*

Passed April 10, 1826.

Bridge to be built at Lodi by tax, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the board of supervisors in each of the counties of Erie and Cattaraugus shall be authorised, and are hereby required at their next annual meeting, to cause to be levied, collected and paid, as the contingent charges of said counties are by law directed to be paid, the sum of six hundred dollars in each county, for the purpose of building a permanent bridge over the Cattaraugus creek at the village of Lodi, at or near the place where the old bridge stood, together with the usual fees for collecting and paying the same, which sums, when paid to the treasurers of said counties, shall be subject to the order and direction of the commissioners hereinafter named.

Commissioners

2. *And be it further enacted*, That Benjamin Waterman, Ralph Plumb and Phineas Spencer shall be commissioners to superintend and direct the building of said bridge, with full power to contract for the materials and workmanship of the same, to the extent of the sum hereby granted for such purpose; and that in case of the death or refusal to serve, of the commissioners or either of them, it shall be lawful for the first judge of the court of common pleas of the county of Erie to appoint some proper person or persons in the place of him or them so dying or refusing to serve.

To execute bond,

3. *And be it further enacted*, That it shall be the duty of the commissioners named in this act, or those who may hereafter be appointed in their stead, before they proceed in the discharge of the trust aforesaid, to execute each a separate bond to the supervisors of the counties of Erie and Cattaraugus, and their successors in office, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties imposed on them by this act; and also to take and subscribe an oath before any justice of the peace, that

and to take an oath

they will well and faithfully discharge the said duties, according to the best of his abilities.

To account with boards of supervisors

4. *And be it further enacted*, That it shall be the duty of the said commissioners to account with the boards of supervisors of the counties of Erie and Cattaraugus respectively, from time to time, as said boards shall require, for all monies expended or received by said commissioners by virtue of this act: *Provided also*, That the said commissioners shall each receive for their services one dollar for each day necessarily employed in the discharge of their duties, which shall be paid, the one half by the county of Erie, and the other half by the county of Cattaraugus, in the same manner as other charges in said counties are paid.

Compensation

How paid.

CHAP. 139.

AN ACT *to provide for the erection of a Town House in the Town of Canandaigua, in the County of Ontario.*

Passed April 10, 1826.

Duty of supervisors in levying tax for town house,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Ontario shall cause to be levied, raised and collected on and from the taxable property in the town of Canandaigua, in said county, in the same manner as other contingent charges of said town are raised, levied and collected, such sum as shall be or shall have been voted by the freeholders and inhabitants of said town at their annual town meeting, for the purpose of purchasing or erecting a town house and suitable lot on which the same shall be placed, and which lot is declared exempt from taxation, the title of which said lot shall be vested in the supervisor of said town and his successors in office; the same to be raised, levied and collected in two equal annual instalments, commencing with the assessment of the year in which said money shall be voted as aforesaid, which said sum, when collected, shall be paid to the supervisor of said town for the purpose in this act mentioned.

as voted by freeholders

Lot exempt from taxation and vested in supervisors &c

Commissioners

2. *And be it further enacted*, That Phineas P. Bates, James Lyon and Arsino Beebe be and they are hereby appointed commissioners to superintend and contract for the erection or purchase of such town house, and the lot whereon the same shall be situated or erected, with full power to draw on the supervisor of said town from time to time for such monies as may be required, and the said supervisor is hereby required to pay over to them or a majority of them, any monies in his hands that may have been raised for the purpose in this act expressed.

To account with supervisor

3. *And be it further enacted*, That the said commissioners, or the survivor or survivors of them, shall, at all times when required by the supervisor of said town, account with him for the faithful expenditure of all the monies received by them by virtue of this act, and shall be held responsible to pay over to him the surplus monies, if any, in their hands, so received by them, unapplied to the objects of this act, retaining in their hands the sum of one dollar and fifty cents per day to each of said commissioners for each and every day

Compensation

that they or any of them may have been actually and necessarily employed in making contracts or superintending said work; and in case of any vacancy among the said commissioners, the same shall be filled from time to time by the freeholders and inhabitants of the said town in legal town meeting assembled, and shall have and possess all the powers, and be subject to the duties by this act conferred on the commissioners before named.

Vacancy how filled

CHAP. 140.

AN ACT *to incorporate the Village of Rochester.*

Passed April 10, 1826.

Corporation and its boundaries

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all that district of country in the county of Monroe, contained within the following boundaries, lots known as number forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, and so much of number forty-seven as lies east of the west line of the aforesaid lots continued northerly across said number forty-seven, and the one hundred acre lot, so called, in township number one, short range, west of the Genesee river, all in the town of Gates, and on the twenty thousand acre tract, so called: Also, lots number three, four, five, six, seven, eight, nine and ten, thirty-six, and the hatchel piece, so called, in third division of township number thirteen, seventh range, east of Genesee river, in the town of Brighton, and so much of lot number sixty-six in the second division of said township as lies southwesterly of a line drawn from the northwest corner of said lot number sixty-six to the southeast corner thereof; also the islands within said river, and the bed of the same river opposite to any part of the bounds aforesaid; and all the freemen of this state inhabitants within the limits aforesaid, be and hereby are ordained, constituted and appointed and declared to be from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "The Trustees of the Village of Rochester;" and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever, of what kind and nature soever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the name of the trustees of the village of Rochester, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of said corporation; and that the said trustees and their successors shall, by virtue of this act, become and be absolutely vested with, possess and enjoy all the lands, tenements and hereditaments, property, rights, causes of action, privileges, immunities and estate whatsoever, both in law and equity, in possession, reversion and remainder, which at the time of passing this act are vested in or belong to the present trustees of the village of Rochester: *Provided*, That nothing in this act

Title

General powers

Seal

Proviso

contained shall affect any suit or suits now pending in the name of the present trustees of the village of Rochester.

2. *And be it further enacted*, That the said village shall be divided into five wards, in manner following to wit: The first ward beginning in the centre of the Genesee river and centre of the Erie canal aqueduct, running westwardly in the centre of the Erie canal to the centre of Buffalo-street; thence eastwardly in the centre of Buffalo-street to the west line of the one hundred acre lot, so called; thence northwesterly on the west line of the one hundred acre lot to the centre of Ann-street; thence eastwardly along the centre of Ann-street to Carrol-street; thence southerly along the centre of Carrol-street to Mumford-street; thence eastwardly along the centre of Mumford-street to Mill-street, in that part of the village formerly called Frankfort; thence southwardly the course of Mill-street to the north line of said one hundred acre lot; thence eastwardly on the said last mentioned line to the centre of Genesee river; thence up the centre of said river to the place of beginning:—the second ward shall contain all that part of said village lying north and west of the first ward, and that part lying north of Buffalo-street not included in the first ward, bounded east by the Genesee river:—and the third ward shall contain all that part of said village lying south of the first ward, and bounded on the east by the centre of the Genesee river:—and the fourth ward shall contain all that part of the said village lying south of Main-street, bounded on the west by the centre of the Genesee river:—and the fifth ward shall contain all that part of said village lying north of Main-street, bounded west by the centre of the Genesee river. 5 wards. Boundaries. 1st ward. 2d ward. 3d ward. 4th ward. 5th ward.

3. *And be it further enacted*, That there be, and forever hereafter shall be in and for said village five trustees, one clerk, one treasurer, one collector and two constables, five assessors, one chief engineer of the fire department, and ten fire wardens. Officers.

4. *And be it further enacted*, That elections for trustees, assessors, treasurer, constables and collector and fire wardens held in any of the wards in said village, shall be by ballot, and the election of trustees, assessors and fire wardens, shall be conducted as follows: every person qualified to vote at any such election, who shall offer himself to vote, shall at such election openly deliver his ballot to one of the officers holding the said election, which ballot shall be a paper ticket, containing the name of one trustee, the name of a person for assessor of the ward in which such elector shall reside, and two persons for fire wardens of the ward in which such elector shall reside, or such and so many of them respectively, as he shall think proper to vote for, designating who is voted for as trustee, also for assessor, and who for fire wardens, and for whom the said elector shall think proper to vote, and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and on the receipt of every such ballot, the officers holding such election shall without suffering the same to be opened or inspected, cause the same to be put into a box to be provided by the board of trustees of said village for that purpose: *And further*, That the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer; and that the name of each elector voting at such election, shall be written in the poll-list to be kept at such election by the officers Election by ballot. Form of ballot. Poll, how long kept open. Poll-list, how kept and compared.

holding the same; and that after finally closing the poll of every such election, the officers holding the same in any of the said wards shall proceed without delay, publicly, first to count the ballots unopened; and if the number of ballots so counted shall exceed the number of electors so contained in the poll-list, the officers holding such election, shall draw out and destroy, unopened, so many of the ballots as shall amount to the excess, and if two or more ballots are found rolled up or folded together, they shall not be estimated; and thereupon the officers holding such election, shall immediately proceed, openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person for each respective office, and shall file such certificate in the office of the clerk of said village on the same day; and the persons having the greatest number of votes for each of said offices in each ward, shall be declared to be duly elected to such offices respectively.

Canvass

Annual election of trustees, assessors and fire wardens

5. *And be it further enacted*, That the freeholders and inhabitants qualified to vote at town-meetings, who may from time to time reside within the aforesaid limits, may assemble on the first Monday of May next, and on the first Monday in May in each year forever thereafter, in each of the wards in said village, at such places as the board of trustees of said village shall appoint, and of which place public notice shall be given in writing, at least eight days before such election, in three public places in each of said wards, by the inspectors thereof; and then and there proceed to elect one trustee, one assessor and two fire wardens in each of said wards; and shall proceed to the like election of one trustee, one assessor and two fire wardens in each ward, on the first Monday in May annually thereafter, of which election the trustee and assessor in each ward respectively, for the time being, or such other person or persons as the board of trustees of the village shall for that purpose appoint, shall be inspectors, excepting that the first election in the several wards of the said village on the first Monday in May next, shall be held in such place in each of said wards, and under the direction of such persons as the present trustees of the said village of Rochester may for that purpose appoint as inspectors of such election, and at proper places for holding such first election; and every person offering to vote at any such election, shall at the time of offering his vote be an actual resident of the ward in which the same is offered, and shall, if required by any person qualified to vote thereat, before he is permitted to vote, take one of the following oaths: "I do solemnly and sincerely promise, swear and declare in the presence of almighty God, or I do solemnly affirm and declare, as the case may be, that I am a natural born or naturalized citizen of the state of New-York, or of one of the United States, and of the age of twenty-one years or upwards, according to the best of my knowledge and belief, and that I am now a resident of the ward of the village of Rochester, and that I have been an inhabitant of this state for one year next and immediately preceding this election, and for the last six months a resident of this village in which I now offer my vote, and that I have within the year next preceding this election, paid a tax to the state or county, assessed upon my real or personal property, or that I am by law exempted from taxation; or being armed and

How notified

Inspectors of election

Qualification of voter

Oath

equipped according to law, I have within the last year immediately preceding this election performed military duty in the militia of this state, or that I am exempt from performing militia duty in consequence of being a fireman in the village of Rochester in this state, or that I have been for three years next preceding this election an inhabitant of this state, and for the last year a resident of the village of Rochester, in the county of Monroe, in this state, and that I have been within the last year assessed to labor upon the public highways, and have actually performed such labor or paid an equivalent therefor, according to law, and that I have not been polled before in this village at this election;" and upon taking such oath he shall be forthwith permitted to vote, and if any person shall knowingly swear falsely in the premises, he shall be deemed guilty of wilful and corrupt purjury, and punished accordingly, before any court having cognizance thereof.

False swearing declared perjury.

6. *And be it further enacted*, That on the first Monday of May aforesaid, and in every year hereafter, the inhabitants of the respective wards in said village, qualified as herein before mentioned, when assembled for the purpose of electing the officers herein before mentioned, shall by ballot elect and choose a treasurer, two constables and a collector for said village, for one year then ensuing, and the ballot shall be a paper ticket, containing the name of one person for treasurer, the names of two persons for constables, and one person for collector, or such of them as such elector shall vote for, designating on said ticket who is voted for for treasurer, who for constables, and who for collector; and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and it shall be delivered to one of the officers holding such election, who without suffering the same to be opened or inspected shall put the same into a box to be provided by the said board of trustees for that purpose, and different from the box in which the ballots for trustees, assessors and fire wardens shall be put, and a poll-list shall be kept of the persons voting for treasurer, constables and collector, by the officers holding such election; and after closing the poll of any such election, and on the same day, the officers holding such election shall lock the poll-list in the box containing such ballots, and shall seal the said box in such manner that no ballots can be taken out, or put into said box, without breaking such seal, and on the same day shall deliver said box so sealed and containing such ballots and poll-lists to the clerk of said village at his office, who shall immediately thereafter, and on the same day deliver over the same to the trustees, or a majority of them, (whose duty it shall be to be then and there attending) who shall then and there proceed in an open and public manner, to canvass and examine the said ballots, and the person who upon such canvass is found to have the greatest number of ballots in the whole village for treasurer, shall by said board of trustees be then and there declared to be the treasurer in and for said village for the year ensuing, and any two persons having the greatest number of ballots in the whole village for constables, shall by said board of trustees, be then and there declared to be constables in and for said village, for the year ensuing; and the person having the greatest number of ballots for collector in the whole of said village, shall then and there by said board of trustees be declared collector in and for said village for the year next ensuing: *Provided*, That either of the constables elect-

Election of treasurer, constables & collector

Form of ballot

Separate box

Poll list

Box to be sealed, and how disposed of

Trustees to canvass,

and declare election

ed may also be elected collector of said village, and possess the like powers and perform the duties the same as if a different person was elected to said office of collector.

Chief engineer, how chosen.

7. *And be it further enacted*, That on the second Monday in May next, and the second Monday of May annually thereafter, the fire wardens and firemen of the village of Rochester shall proceed by ballot to elect some suitable person, being an inhabitant of said village, to fill the office of chief engineer of the fire department in said village for one year next ensuing; and that each of said firewardens and firemen, qualified to vote at such election, who shall offer himself to vote at such election of chief engineer of the fire department, shall openly deliver his ballot to the foreman of the fire companies in said village, who shall ex-officio be

Inspectors

inspectors of such election, which ballot shall be a paper ticket, containing the name of such person for chief engineer, and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and on the receipt of every such ballot, the officers holding such election shall keep the same in a box to be provided for that purpose, and after the persons authorised to vote as aforesaid, or such of them as choose to vote, shall have completed their ballots and delivered the same as aforesaid, the inspector shall openly and

Canvass

on the same day canvass the said votes, and the person having the

Duty of chief engineer

greatest number of votes shall be declared and appointed chief engineer of the fire department for the year ensuing, whose duty it shall be to control, superinted and direct every thing appertaining to the fire department in said village; to take the command and direction of the fire companies, and every thing relating to that department when called out for the extinguishment of fires, and also to see that the engines and fire utensils are at all times in complete repair, and make a report every three months to the board of trustees.

Vacancies how filled

8. *And be it further enacted*, That if any vacancies shall happen in the officers so to be elected or chosen, as herein before provided, by death, resignation or otherwise, before an annual election shall be held, it shall be lawful for the board of trustees of said village to direct an election to be holden to supply such vacancy, which election shall be held at such time and place as the said trustees shall direct, and in all respects conducted in the same manner as the said annual election, and the said officers thus chosen shall hold their offices until the next annual election; but if no election shall be held as aforesaid, then it shall be lawful for the trustees, or a major

Proviso

part of them, to meet and fill such vacancy: *Provided*, That no meeting shall be held of the freeholders and inhabitants of said village, unless public notice shall have been previously given as herein before provided.

Not accepting in eight days, deemed a refusal.

9. *And be it further enacted*, That if any freeholders or inhabitants of said village shall be elected to either of the offices provided for by this act, and having notice thereof, shall for the space of eight days refuse or neglect to take upon himself such office, he shall for such neglect or refusal be deemed to have refused to take upon

Penalty

himself such office, and shall incur a penalty not exceeding twenty-five dollars, at the discretion of the court having cognizance of the

How recovered & applied

same, to be recovered in the name of the treasurer of said village, for the use of said village, in an action of debt, with costs, to be taxed by the court before whom it may be tried

10. *And be it further enacted*, That the trustees, or a major part of them, within ten days after their election in every year hereafter, shall, and it is hereby made their duty to assemble in some convenient place in said village, and then to choose and appoint some one suitable person of their body to be president of the said board of trustees, and some proper person to be clerk of said board, and to appoint one or more pound-masters, overseers of highways, fence viewers, porters, carriers, carters, truck-men, bell-men, common criers, scavengers, measurers, surveyors, gaugers and sextons, or such of them as they shall think proper, and all and every of them so appointed, and accepting, shall be under such regulations as shall be made by the said board of trustees in their discretion. That it shall be the duty of the said president to preside at the meetings of said trustees, to order extraordinary meetings whenever he may deem it for the interest of the village so to do, to receive complaints of the breach of any of the by-laws; and it shall be the duty of the trustees to see that all the by-laws, rules and regulations are faithfully executed, and to prosecute in the name of the trustees all offending against such by-laws, and to appoint one or more attornies for that purpose; to receive the returns of the fire-wardens, to inspect the utensils belonging to the said village for extinguishing fires, to see the engines and fire utensils, engine-irons, and all the public property belonging to the said village, suitably and properly taken care of and kept in order; and in case of the death, absence or inability of the president to discharge the several duties before mentioned, his place shall be supplied in the manner hereafter to be provided by the by-laws of said corporation: and it shall be the duty of the said clerk to attend all the meetings of the said trustees, and of the doings, especially of the passing of their by-laws, rules and ordinances, to keep a true and faithful record in a book to be provided by the said trustees; and it shall further be the duty of the said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village at their annual meetings and other legal meetings, in another book to be in like manner provided by said trustees; and the said trustees, or a major part of them, are hereby authorised to remove or displace the said clerk or other person in this section mentioned, when and as often as they shall think fit, and another in his stead to elect, nominate and appoint, and such clerk, so removed or displaced, shall on the order of said trustees or a majority of them, deliver up to his successor all such records, books and papers and minutes whatsoever as shall be in his custody by virtue of his office, and in case of neglect or refusal so to do, the said clerk shall forfeit and pay such sum, not exceeding one hundred dollars, as the said trustees, or a majority of them, shall impose, to be recovered by action of debt with costs, in the manner herein directed for the recovery of penalties or forfeitures imposed by the by-laws of the said trustees.

President & clerk

Pound masters, &c. &c.

Duty of President

Duty of clerk

11. *And be it further enacted*, That it shall be lawful for the trustees of said village, or a major part of them, to appoint, not exceeding sixty firemen, and ten hook and ladder men, out of the inhabitants of said village, and the same or any of them to remove at pleasure and to appoint others in their stead, for the management and working of the two fire-engines now belonging to said village: *Provided however*, That whenever the freeholders and inhabitants

Trustees to appoint firemen, &c.

Proviso

of said village shall vote money sufficient to purchase another fire-engine, it shall be lawful for the said trustees, or a majority of them, to appoint thirty additional firemen and five or more additional hook and ladder men: *And provided further*, That the present firemen of the said village of Rochester shall be, and are hereby declared to be a part of the said number of sixty firemen, subject however to be removed by the said board of trustees in like manner as other firemen of the said village.

Trustees authorised to make ordinances

12. *And be it further enacted*, That it shall and may be lawful for the board of trustees of the village of Rochester to pass all such ordinances as they shall think proper for regulating petty grocers, keepers of ordinaries, or victualing houses, or houses where fruits, oysters, clams, liquors, provisions or meats shall be sold, in order to be eaten or drank at such houses within said village; and

Grant licenses

the said trustees shall be, and they are hereby authorised to grant licenses to such and so many of the said petty grocers to sell strong and spirituous liquors to be drank in the building in which such grocery shall be kept, for a term not exceeding one year at any one time, and to establish and fix the amount of money to be paid for

Recognizance

each of the said licenses, and to take a recognizance from every such grocer as aforesaid, in such penalty, and with such sureties as the

Condition

board of trustees shall deem reasonable, conditioned that he, she or they shall not permit or suffer any kind of gaming within the same, nor sell any sort of spirituous liquors to any apprentice or servant, without a permit from his, her or their master or mistress, nor suffer any riot, or riotous or noisy persons to be assembled in his, her or their house, shop, out-house, yard, garden or premises, nor permit at any time any manner of gaming, quarrelling or other disorderly practice or conduct, nor keep any billiard-table or other instrument or device used for gaming; and that it shall and may be lawful for

Duty of president, &c. on complaint

the said president of the said village, in conjunction with any two justices of the peace in the county of Monroe, to hear, and determine in a summary way, every complaint which may be preferred against any such grocer for any offence in the premises, and in case they shall judge it necessary, deprive any such grocer who shall offend in the premises of his, her or their permit or license; and further, that

Recognizance how given

all recognizances which may be required of any person or persons by virtue of this act, to be taken and entered into as aforesaid, pursuant to the provisions of this act, instead of being entered into and acknowledged to the people of the state of New-York, shall be taken in the name of the trustees of the village of Rochester; and the said board of trustees shall and may make such orders in relation to prosecutions for breaches thereof as they shall deem proper and necessary to preserve peace and good order, and to promote the welfare of said village, and that all permits and licences to be granted in and by this section shall be signed by the president of the said

Licenses how to be signed

board of trustees, or in his absence by any one of the trustees, and countersigned by the clerk of the said board, who shall make an entry of granting every such licence in books for that purpose provided; and that it shall and may be lawful for any such grocer, after he shall have received such licence and entered into such recog-

Special provision

nizance, to sell strong and spirituous liquors to be drank in the building in which he shall keep such grocery, without being subject to any penalty therefor, any law to the contrary notwithstanding.

13. *And be it further enacted*, That it shall and may be lawful for the said board of trustees from time to time, to pass ordinances for the more effectual suppression of vice and immorality, for preventing theatres, billiard tables, or theatrical or circus performances, the exhibition of wax figures, wild animals, mountebanks, fireworks, and all other shows exhibited by common showmen; also to prevent the selling or vending of any spirituous liquors, to be drank on board of canal boats within the limits of said village, except to passengers in such boats; and it shall and may be lawful for the said board of trustees to pass such ordinances as they shall think proper for preserving peace and good order in the said village, to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device and practice within said village, to enforce the due obedience of the sabbath day, and to suppress and restrain disorderly and gaming houses, and instruments and devices used for the purpose of gaming; to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and other persons for any default in the premises; to regulate the carting, carrying and transporting gunpowder or other combustible or dangerous materials, and the use of candles or lights in livery or other stables; to prevent the construction of any fire-places, hearths, chimnies, stoves, oven, boiler, kettle or apparatus, to be used in any house, building or manufactory, when considered dangerous in causing or promoting fires, and to remove any of them, when constructed, if they shall so be considered dangerous; to direct the safe construction of deposits for ashes, and to appoint one or more officers, at reasonable times to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous situation as regards fires, and to cause such as may be dangerous to be in a safe condition; to regulate the gauging of casks of spirituous liquors, and to appoint one or more suitable person or persons to superintend and conduct the same; to regulate the place and manner of selling and weighing hay; to restrain and punish the forestalling of poultry, butter and eggs; to regulate and prevent the running at large of any dogs or sluts owned by persons residing in the said village, or to impose a reasonable tax upon the owners or possessors of such dogs or sluts; to appoint an examiner of weights and measures, and to prescribe his duties; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; to adopt and establish such measures and regulations for the prevention or suppression of fires as the said board of trustees shall deem expedient; to compel the owners and occupants of houses and other buildings to have scuttles on the roofs of any such houses or buildings, and stairs or ladders leading to the roof; to regulate the dimensions of chimnies hereafter to be constructed, so as to admit chimney-sweeps to sweep and clean the same; to appoint watchmen, and prescribe their powers and duties; to authorise any magistrate, constable or other person, to stop any person riding or driving immoderately through or in any street in said village, or otherwise to prohibit such offences; to abate or remove any nuisance in any street, or on the lot or enclosure of any person or persons; to build and regulate market-houses, and establish market-places, and to designate the place where the same shall be put in

Trustees may pass ordinances for the suppression of vice, &c.

And for the security and good order of the village.

Subjects to be embraced in the by-laws

said village, and to grant licenses to such and so many butchers and venders of butcher's-meat as they shall think proper in the said village; to regulate cartmen and cartage, truck-men and their charges; to authorise the president, or any trustee or fire-warden to remove and keep away from the vicinity of any fire, all idle, suspicious and disobedient persons during such fire, and to detain such person or persons in custody until after the fire, and to compel any person or persons to aid in the extinguishment thereof, or in the preservation of property exposed to the dangers of such fire, to require the sheriff and his deputies, and all constables, and the watch to be aiding in the extinguisment thereof, and in the preservation of property exposed to the dangers of such fire, and the preventing of goods or effects from being purloined thereat, and in securing the same, subject to the orders of the president or any trustee present at such fire; to require the inhabitants of said village respectively, to procure such and so many fire-buckets, in such manner and at such times as they shall prescribe; to direct the paving, gravelling or flagging of any of the streets in said village, and to cause railing to be put up on the outside of such flagging, and to cause the said paving, gravelling, flagging and railing to be done by and at the expense of the owners or occupants of houses and lots fronting on the said street, in proportion to the width of their respective lots so fronting on said street; to repair the streets, lanes and alleys, and to make and repair cross-walks; to prevent the incumbering of the streets, side-walks and alleys, with wheelbarrows, carriages, carts, lumber, stone or any other material whatsoever; to restrain the running at large of cattle, horses and swine; and at their discretion to compel the sweeping or cleaning of chimnies, and to prevent chimney-sweeps, unless licensed as they shall direct, from sweeping or cleaning of chimnies; to restrain beggars, mendicants, street-beggars, or persons soliciting alms, and all persons from harbouring them, without giving previous notice thereof to a member of the board of trustees; to light the streets and bridges of said village, and to prevent the unnecessary waste of water which may be needed for said village; to establish and regulate pumps, wells and reservoirs in the streets of said village, and to construct and regulate public sewers in said village; to establish and regulate one or more public pounds in said village; to survey the boundaries of said village; to prevent and remove encroachments upon streets, lanes and alleys within the said village; to restrain any riot, rout, noise, disturbance or disorder by any assemblages in any street or place in said village; to regulate the vending of meat and vegetables in said village; to appoint firemen, to take the charge and management of the fire-engines and apparatus thereunto belonging, under such regulations as they may deem necessary, and remove the same firemen and appoint others in their stead, which firemen as well as the chief engineer, and hook and ladder men, shall be exempt from serving as constables or jurors, or in the militia, except in case of insurrection, invasion or other imminent danger; to prevent persons from selling fruit, cakes, cider, beer and other beverage, in the streets, unless licensed in the manner they shall direct, and generally to make all such rules and regulations, by-laws and ordinances, for the good government and order of said village, as they may deem expedient, not repugnant to the constitution and laws of this state, and to enforce the due observance thereof, by inflicting penalties on any citizen or inhabitant thereof, or any

person or persons for the violation of any law of said board of trustees not exceeding twenty-five dollars, for any one offence, recoverable with costs in an action of debt, by and in the name and for the use of the trustees of the said village, before any justice of the peace of the county of Monroe, and in which action it shall be lawful to declare generally in debt, for such penalty, and give the special matter in evidence: *And further*, That for the purpose of enforcing the by-laws of said trustees against offenders, who have no goods or chattels, lands or tenements, whereof such penalty can be collected, it shall be lawful for the court of justice before which such offender shall be duly convicted, to cause him to be imprisoned for a term not exceeding thirty days, in the common gaol of the county of Monroe, and that all fees and expenses for prosecuting and punishing offenders under the said by-laws, shall be defrayed by the said trustees, and by them charged to said village.

Offenders against by-laws may be imprisoned

Expenses how paid

14. *And be it further enacted*, That it shall be no objection to any judge, justice, juror, witness or constable in any trial by virtue of this act, that he or they are inhabitants of said village.

No objection to judge, &c. being an inhabitant

15. *And be it further enacted*, That all the officers so appointed by virtue of this act, shall, within the time prescribed by the ninth section of this act, take and subscribe an oath before some person duly authorised to administer oaths, faithfully and impartially to execute and perform the duties of his appointment, which oath shall be forthwith filed in the office of the clerk of said village: *And further*, That the treasurer, collector and constables hereafter to be appointed, shall, before they enter upon the duties of their respective offices, give such security for the faithful performance of the trust reposed in them, as the major part of the trustees for the time being, shall deem sufficient.

Officers to take an oath

To be filed with village clerk

Treasurer, &c to give security

16. *And be it further enacted*, That the said board of trustees may from year to year, cause a sum not exceeding two thousand dollars, to be raised by tax upon the vote of the freeholders and inhabitants of said village, at a meeting or meetings duly notified for that purpose, to defray the expenses of lighting the streets and bridges of said village, and supporting a night watch therein, and defraying the expense of any local improvement, the expense whereof is not herein otherwise provided for, and to defray the contingent expenses of said village, which may be necessary to be valued and assessed upon the estates in said village, real and personal, among the owners and occupants, in a just and equitable manner, in proportion as nearly as may be to the advantages and security which each shall be deemed to acquire thereby; and it shall be the duty of the said assessors to call upon any person or persons, residing in the village, and so to be assessed as aforesaid, and ascertain from him, her or them, as near as may be, the value of his, her or their real or personal estate so to be assessed as aforesaid: *Provided*, That if any person shall conceive himself or herself aggrieved by such assessment, it shall be lawful for such person to appeal from the said assessors to the trustees of said village, in ten days after such assessments shall be made, and public notice thereof given, also of notice to the said assessors, or any one of them, of such appeal, and of the time and place of determining thereon, by said trustees, who shall hear the same, and do justice in the premises: *Provided also, and be it further enacted*, That the said trustees shall be empowered

Tax to be raised, and for what purpose

How assessed

Duty of assessors

Proviso

Appeal to trustees

When further sum may be raised

to raise in any one year, such further sum, besides the two thousand dollars above mentioned, as the freeholders and inhabitants Purpose may vote, for the purpose of purchasing fire engine or engines, which sum so voted, shall be assessed as above mentioned, in a just How assessed and collected and equitable manner, and all monies so assessed as aforesaid, shall be collected in the same manner as taxes are collected in said county, by the collector of said village, by virtue of a warrant signed by the president of said village, under the common seal of said village, Proviso and paid into the hand of the treasurer of said village: *Provided*, That nothing in this act contained, shall authorise any tax to be laid on the Erie Canal, or any of the property of the state attached thereto.

All monies to be paid to the treasurer, &c 17. *And be it further enacted*, That all monies that shall come into the hands of either of the said trustees, or of the said collector, clerk, or constables, pursuant to the provisions of this act, shall be immediately paid over by them to the said treasurer, and shall and may, by the order of said trustees from time to time, be drawn out of his hands by the warrant of the said president, or in his absence one of the other of said trustees, and which warrant shall specify the object for which the said money is drawn, and is to be applied.

Treasurer to keep a book 18. *And be it further enacted*, That the said treasurer shall keep a book to be provided by the said trustees, in which he shall make an entry of all monies received by him, and drawn out of his hands, the object and purpose for which the same is so drawn, and to whom the same is paid.

His account to be settled by trustees 19. *And be it further enacted*, That the said trustees, or a majority of them, shall meet together at least ten days, and not more than fifteen days next preceding the annual election for trustees, and audit and settle the treasurer's accounts, and the said treasurer Duty of treasurer shall in the newspaper printed in said village, next before every such annual election, cause it to be published, an abstract of the amount of all the monies received by him, and from whom, and of all monies paid out by him, and to whom and for what purpose during the preceding year; and that whenever the said treasurer shall go out of office, he shall account with his successor for all the monies remaining in his hands, and unapplied to the purposes of this act, and if he should fail so to do, the same may be recovered of him and his sureties in the name of his successor.

Streets and alleys declared public highways, & to be under the direction of commissioners &c. 20. *And be it further enacted*, That all the roads, streets, lanes and alleys, within the said village, laid out for public uses, by the persons who laid out the said village, or any part thereof, and as the same are designated on the several plots thereof, shall be, and hereby are declared public highways, and that such parts of the said roads, streets, lanes and alleys, which are situate in the town of Gates, shall be worked according to the provisions and directions of the act to regulate highways, under the exclusive direction of the commissioners of highways of the town of Gates, in the same manner as other roads in said town of Gates are worked by law: *And further*, That such parts of the roads, streets, lanes and alleys which are situate within the town of Brighton, shall in like manner be worked according to the provisions and directions of the said act, under the exclusive direction of the commissioners of highways of the said town of Brighton, in the same manner as other roads in the said

town of Brighton are worked by law; and that the said commissioners of the said respective towns shall be, and hereby are authorised to lay out the said roads, streets, lanes and alleys into road districts in their respective towns, in the same manner that other road districts are laid out in the said towns respectively by law, and to alter the same from time to time, and to cause the same to be worked by the overseers appointed thereto, in the same manner as the highways are worked in the said towns respectively, and that it shall and may be lawful for the said commissioners respectively, to add to either of said districts such parts of the roads or highways without the lands of said village, and which are contiguous thereto, and leading into the same, as they shall from time to time think proper: *Provided nevertheless*, That it shall not be lawful for the said commissioners to alter any of the said roads, streets, lanes or alleys in the said village without the written consent of the said trustees, or a majority of them: *And provided also*, That it shall not be lawful for the said commissioners, or any overseers of highways, to take up or alter any sidewalk, cross walk, or well, cistern-vault, or reservoir, or sewer, without such written consent as aforesaid.

Proviso

Proviso as to side walks &c

20. *And be it further enacted*, That it shall and may be lawful for the said board of trustees to lay out, make and open any street, alley, road or highway, in any part of said village, and to cause any street, alley, road or highway already laid out in any part of said village, to be opened or altered whenever, and as often as they shall judge the public good shall require the same to be done: *Provided*, such street, alley, road or highway shall not be laid out, and altered so as to run across or over the site of any house or building, the expense of removing which, shall exceed one hundred dollars for any one street or object, also to cause common sewers, drains, and vaults to be made in any part of said village, and to order and direct the pitching, leveling, raising, repairing, amending, paving or graveling any of the streets, alleys, lanes or highways within said village, and cause to be made an estimate of the expense of conforming to such regulations, and a just and equitable assessment thereof among the owners, occupants and others interested in all the houses or lots intended to be benefited thereby in proportion as nearly as may be, to the benefits or advantages which each shall be deemed to acquire thereby, and the said board of trustees shall appoint five disinterested freeholders of the said village to make every such estimate and asssessment, who, before they enter upon the execution of their trust, shall be duly sworn before a justice of the peace of the county of Monroe, to make the said estimate fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said board of trustees, and ratified by them, shall be binding and conclusive upon the owners, occupants and others interested in such houses or lots so to be assessed respectively, and such owners and occupants and others interested in such houses and lots, shall also respectively on demand pay to such persons as shall be authorised by the said board of trustees to receive the same, the sum at which such house or lot shall be assessed to be applied towards the making, altering, mending, pitching, paving or gravelling such streets, highways, lanes and alleys, and the making and repairing such vaults and sewers as aforesaid, or in default of such payment, or any

Duty of trustees in opening streets, &c

Proviso

Expense of improvement how assessed

part thereof, it shall be lawful for such board of trustees of the said village, by warrant under the seal of the village, to levy the same by distress and sale of the goods and chattels of such owner, occupant or other person interested therein, refusing and neglecting to pay the same, rendering the overplus, if any, after deducting the charges of such distress and sale, to such owner, occupant or other person interested therein, or his or her legal representative: *Provided always*, That nothing in this act contained shall affect any agreement between any landlord and tenant, respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had not been passed: *And provided further*, That if any money so to be assessed, shall be paid by any person, when by agreement, or by law, the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same: *And provided further*, That it shall be lawful for any person who may conceive himself aggrieved by any act or acts of the said trustees or assessors by virtue of this section, to appeal therefrom to the next court of common pleas, to be held in and for the county of Monroe, and that in case of such appeal, and on notice, with the reasons thereof to be given by the appellant to the said trustees thereof, shall make a full return of the facts and circumstances relative to such act or acts, and the principles whereon the same is or are founded, to such court of common pleas, whose duty it shall be to hear and examine the allegations of the parties touching the premises, and to make such order thereupon as such court shall deem equitable, which order shall be conclusive and final: *Provided however*, That no appeal shall be heard by the said court, unless notice thereof in writing, shall be given to the president of the said board of trustees, or in his abscence to the clerk of the said board of trustees, specifying the grounds of such appeal, which appeal shall be made within ten days after such appellant, or his agent, shall have notice of any such act or acts of the said trustees or assessors: *And provided further*, if there shall not be ten days between the time of serving such last mentioned notice, and the then next court of common pleas, then such appeal may be made to the court of common pleas to be held next after such ten days.

Proviso

Persons aggrieved may appeal to the court of common pleas &c

Proviso

22. *And be it further enacted*, That in case any estimate or assessment as aforesaid shall not have been complied with, and the sums thereby assessed shall not have been paid, it shall be lawful for the board of trustees to cause the same to be advertised in one or more of the public newspapers printed in the said village, for six months, thereby requiring the owners of such lots or buildings respectively to pay the same at which the said lots or buildings shall be assessed to the treasurer of the said village, and that if default shall be made in such payment, such lot or building will be sold at public auction, at the day and place therein to be specified, the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same for the expense aforesaid, with the interest and costs thereof; and if, notwithstanding such notice and demand, the owner

In case assessment is not paid, how collected

or owners shall refuse or neglect to pay such assessment, with charges of appraisement and advertisement, and the interest as aforesaid, then it shall be lawful for the said board of trustees to cause the said lot or building to be sold at public auction, for a term of years, for the purpose and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of said village, to any such purchaser, his executors, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use, against the owner or owners thereof, or any person or persons claiming under him or them, until his term shall be complete and ended, being at liberty to remove all the buildings and materials which he or she shall erect or place thereon, but leaving the ground with sufficient fence, and with the streets fronting the same in the order required by the said regulations.

Duty of trustees in case of deficiency or surplus

23. *And be it further enacted*, That if, upon the completion of any such regulation as aforesaid, it shall appear to the board of trustees of said village a greater sum of money has been bona fide expended in making such regulation than the sum estimated and collected as aforesaid, it shall be lawful for the said board of trustees to cause a further assessment, equal to such excess, to be made and collected in manner aforesaid: *And further*, That in case the sum actually expended shall be less than the sum expressed in the said estimate, and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same was collected, or their legal representatives.

Assessment a lien on the lot, &c

24. *And be it further enacted*, That the amount and estimate of every assessment shall be and remain a lien on the lot or lots, building or buildings so assessed, from the time of the completion and return of such estimate in manner aforesaid, until paid, or until otherwise satisfied; and that it shall be lawful for said board of trustees, instead of the remedies herein above provided, if they shall see fit, in case any owner, occupant or other person of any building or lot within the said village shall neglect or refuse to conform his building or lot to such regulations, at their own expense, and to sue for and recover the amount of that expense from the owners, occupants or other persons interested in the said building or lot, or their legal representative, with interest, charges and cost, in any court within the state having cognizance thereof, in an action on the case for such money by them paid, laid out and expended for such owners, occupants or other persons interested therein; and the said estimate or assessment, with the proof of the amount and payment of the said expenses, shall be conclusive evidence for the plaintiffs in every such action.

Trustees in widening and altering streets how to proceed, &c.

25. *And be it further enacted*, That if, in the opinion of the said board of trustees, the public interest of the said village shall require that any street, lane or alley in said village should be altered, by widening, or altering the course of the same, or that any new street should be laid out and opened in the said village, and that the land of any person or persons is necessary to be taken for either of said purposes, including the site of any building or buildings, the expense of removing which shall not exceed one hundred dollars, as mentioned in section twenty-first, the said board of trustees shall have

power to alter, lay out and open any such streets, and shall give notice of their intention to take such land and appropriate it for such streets, to the persons interested therein, or to his or their agents or legal representatives, and the said board of trustees shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for such ground or other real estate, with the appurtenances, or the board of trustees cannot agree with such person or persons for the same, it shall be lawful for the president and any two or more trustees, by a precept under their hand and seal, to command any constable of said village to empanel and return a jury of twelve freeholders of said village, to appear before the president of said village within six days from the day of the date of said precept, to inquire into and assess the damages and recompense due to the owner or owners of said ground or other real estate, with the appurtenances, and at the same time to summon the owner or owners of such ground or other real estate, with the appurtenances, or his or their agent or legal representatives, by written notice to be left at his, her or their most usual place of abode, to appear before the said president and jury on the day and at the place in such precept to be specified, which jury being duly sworn faithfully and impartially to inquire into and assess the damages in question, and having viewed the premises (if necessary) shall enquire of and assess such damages and recompense as they shall, under all the circumstances, judge fit to be awarded to the owner or owners of such ground or other real estate or appurtenances, for their respective losses, according to their respective interests and estates therein; and the verdict of such jury, and the judgment of the said president thereon, and the payment of the sum of money so awarded and adjudged to the owner or owners thereof, or tender or refusal thereof, shall be conclusive and binding against the said owner or owners, or his or their respective heirs, executors, administrators or assigns claiming any estate or interest in or to the same ground or other real estate and appurtenances; but the said board of trustees shall not be allowed to take possession, or appropriate any such ground or other real estate, until after the payment or tender or refusal of the money so awarded as aforesaid; and in order to provide for the payment thereof, the said board of trustees shall cause the same to be assessed upon the owners and occupants of lots and buildings intended to be benefitted by such improvement, and collected in the same manner in which estimates and assessments are directed to be made and collected in and by the twenty-first section of this act; and on the payment, tender or refusal of the same money so awarded as aforesaid, it shall thereupon be lawful for the said board of trustees of said village to cause the same land or real estate to be converted to and used for the purposes aforesaid: *Provided always*, That if such owner or parties shall be unknown to the said board of trustees, they shall cause notice as aforesaid to be given of such intended appropriation, specifying therein the ground or other real estate or appurtenances to be appropriated, to be published six weeks successively in the newspapers printed in the said village, and after the expiration of such notice to cause the damages to be assessed in manner aforesaid without any notice, the constable serving the precept aforesaid, instead of summoning such owner or parties to appear, may serve a notice in writing, of the time and place

Proviso

of return in such precept, on the occupant of said premises, or if vacant, by affixing the same on some notorious part thereof, at least eight days before such return, which service shall be deemed a sufficient summons; and it shall also be sufficient to state in the precept that the premises belong to persons unknown: *And provided further*, That the said board of trustees may appropriate the premises aforesaid, in case of unknown and non-resident owners or parties, before payment of the sum or sums assessed, and on such owner or owners or parties or either of them applying to the said board of trustees, and on proving the extent of his or their interest in the premises appropriated, to the satisfaction of the said board, such board of trustees thall thereupon ascertain and determine the part or portion of the sum assessed to be paid to such owners or parties so applying respectively, and enter the same in their minutes, a copy of which entry, under the seal of said village, and certified by the clerk, shall entitle the said owners or parties respectively to the sum or sums so ascertained and determined; and in case of non-payment, on demand, with interest, or in cases where the owners or parties shall be known and named in the precept, the said board of trustees shall refuse or neglect on demand to pay the sum or sums assessed, with interest from the time of the judgment rendered upon such assessment, the said parties, or either of them entitled to the same, may sue for and recover the same from the said board of trustees, in an action of debt on *mutuatus*, together with interest and costs, in any court having cognizance thereof, and the proceedings under the precept and the antecedent thereto, shall be conclusive evidence against the defendants: *Provided however*, That any person aggrieved by any assessment made under this section of this act, shall have a right to appeal within one year to three disinterested commissioners, to be appointed by the supreme court of this state.

Further proviso

Appeal allowed

26. *And be it further enacted*, That where any known owners, or party residing in said village, or elsewhere, shall be an infant, and any proceedings shall be had under the twenty-fifth section of this act, it shall be lawful for the court of common pleas of the county of Monroe, or for the circuit judge of the eighth district, upon application to them or him, by the board of trustees of the said village, or such minor, to appoint a guardian for such infant, taking security from such guardian, for the faithful execution of his trust; and every subsequent notice and summons, under the said section, shall be made and served on such guardian to appear instead of such infant, and it shall be the duty of such guardian to appear in said court, and to protect the right and interest of said infant.

Courts to appoint guardians for infant owners

27. *And be it further enacted*, That the constables chosen by virtue of this act, shall have power to execute any civil process, issued by any justice of the peace residing in said village of Rochester, and any criminal process delivered to him at any place in the said county, as well within as without the bounds of said village, and it shall be his or their duty, when thereto required by the sheriff of the said county, to attend all courts of record within the said county, in the same manner as the other constables of the said county are required by law to do, and that they shall be entitled for services which they may perform pursuant to this act, to the same fees which the other constables of said county are entitled to have and

Authority of constable in executing process

His fees

receive for the like services; and also that the pound keeper to be appointed pursuant to this act, shall be entitled to the same fees which other pound keepers are entitled by law to have and receive; and also that the collector to be chosen or appointed by this act, shall be entitled to have and receive for all monies collected by him, the same fees which are allowed by law to the collectors of the several towns in the said county of Monroe, and to be retained by him out of the monies so collected, and that the said treasurer shall be entitled to like fees as the treasurer of the said county is entitled to.

Fees of collector and pound keeper

Treasurer's fees

Special elections how notified and held, &c

28. *And be it further enacted*, That if from any cause whatsoever, the annual election directed by this act to be held, shall not be held on the day appointed therefor, then and in that case, it shall be the duty of the said board of trustees, immediately thereafter to notify an election to be held, at which the several officers directed to be elected by this act, shall be elected, and that the said election shall be in all respects conducted according to the directions of this act, for annual elections, and that the officers then elected, shall hold their offices respectively, until the next annual election, and until others are chosen in their stead.

Public act

29. *And be it further enacted*, That this act shall be a public act, and shall be construed in all courts and places favorably for every beneficial purpose therein intended.

Former acts repealed

30. *And be it further enacted*, That the act, entitled "an act to incorporate the village of Rochesterville, in the county of Genesee," passed March 21, 1817, and the act, entitled "an act to annex a part of the town of Brighton, to the village of Rochester," passed April 10, 1823, shall be and hereby are from and after the first Monday in May next severally repealed: *Provided however*, That the same shall be considered in force until an election shall be had under this act, for the trustees and several officers therein mentioned, so far as shall be necessary to carry this act into effect, and the legislature may alter, modify or repeal this act.

Proviso

CHAP. 141.

AN ACT *to provide for Building a Fire Proof Clerk and Surrogate's Office in the County of Richmond.*

Passed April 10, 1826.

Supervisors to raise $1,500 by tax to erect offices

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the board of supervisors of the county of Richmond, and they are hereby required at their next annual meeting, to cause to be levied and collected from the taxable inhabitants and property in the said county, a sum not exceeding one thousand five hundred dollars over and above the expense of collecting the same, which sum shall be levied and collected in the same manner as other contingent charges of the said county, for the purpose of building a fire proof clerk and surrogate's office, for the said county, to be located in such part of the said county, as the judges of the said county, or a majority of them, shall direct, and in which all the public records and papers belonging

Judges to locate

as well to the clerk as the surrogate of the said county, shall be kept after the said building shall have been completed, and it shall be the further duty of the said supervisors to appoint three commissioners to superintend the erection of the said building. Records of clerk and surrogate. Commissioners

2. *And be it further enacted*, That the said commissioners shall contract for, superintend and direct or cause to be erected in such part of the said county as the said judges or a major part of them shall direct, a good and sufficient fire-proof building, for the safe keeping of the books, records and all the other public papers of the said county; and the said commissioners shall keep a true and just account of all the expenditures in erecting and completing the said building, and present the same to the board of supervisors of the said county, whose duty it shall be to audit and allow the same, and order the treasurer of the said county to pay to the said commissioners or to such other person or persons as they shall direct, out of the monies raised for the purpose aforesaid, the amount or sum so expended in the erection of the aforesaid building, and the said commissioners shall each be entitled to receive for each and every day they may be employed in superintending, erecting or completing the said building, the sum of one dollar and fifty cents, to be audited and allowed by the board of supervisors of the said county. Their duty. Compensation

CHAP. 142.

AN ACT *to amend an act entitled "An Act to regulate Highways in the Counties of Suffolk, Queens and Kings," passed April 2, 1813.*

Passed April 10, 1826.

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That where any highway has been laid out by commissioners of any of the towns in either of the said counties and now in use, and entered in the records of the county or of any town, such record shall be good and lawful evidence of such highway, although it does not appear on said record that the said highway has been approved of by the court of sessions in said county, any former law to the contrary notwithstanding. Record of highways valid, although not approved by court

2. *And be it further enacted*, That where any road in either of the said counties shall have been used as a public highway for twenty years or more next preceding the passage of this act, the same shall be taken and deemed as a public highway, although no record thereof has been made in the office of the clerk of the county, or in any town, unless the said road shall have been exchanged or altered agreeable to the provisions of the fourth section of the act hereby amended; and that it shall be the duty of the commissioners to order the overseers of highways to open all such roads to the width of three rods at least, which they shall judge to have been used as public highways, for twenty years preceding the passage of this act. Road used 20 years declared public highway. Duty of commissioners in relation to such roads. Width

Commissioners may direct overseer to procure scraper

3. *And be it further enacted*, That it shall and may be lawful for the commissioners of highways in any town within the counties subject to this act, whenever they shall think it necessary or useful to direct and empower any overseer of highways in their respective towns, to procure a good and sufficient iron or steel shod scraper, for the use of his road district, to be paid for by the monies arising from commutations and fines within such district; and in case such monies should be insufficient for the purpose, such deficiency shall by the said overseers, be assessed upon the inhabitants of the said district, in the proportion they are respectively assessed to work on the said road: and if any one so assessed shall neglect or refuse to pay such assessment, the same may be sued for and recovered by the said overseer, with costs of suit, before any justice of the peace of the same county.

How paid for

Sections of former act repealed

4. *And be it further enacted*, That the sixteenth, twentieth and twenty-second sections of the act hereby amended, be and the same are hereby repealed.

CHAP. 143.

AN ACT *for the protection of the Side Walks between the Public Square in the Village of Clinton, in the County of Oneida, and Hamilton College, and between the said Square and the Ladies' Seminary in said Village.*

Passed April 10, 1826.

Penalty for injuring side walks, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if any person after the passage of this act, shall wilfully do, or aid or assist any person in doing any injury to the side walks, between the public square in the village of Clinton, in the county of Oneida, and Hamilton college, or to the side walks between the public square and the ladies' seminary in said village, or to the fences or railing erected for the protection thereof, every person so offending, shall forfeit the sum of five dollars for each offence, to be recovered, with costs of suit, in an action of debt, before any justice of the peace, in the name of the overseer of highways of the road district, in which such injury shall have been done.

Penalty for riding or driving on side walks

2. *And be it further enacted*, That if any person shall hereafter wilfully ride, lead or drive any horse or horses along either of said side-walks, or shall wilfully drive any waggon, sleigh or other carriage thereon, every person so offending shall forfeit the sum of one dollor for every such offence, to be recovered in like manner.

Additional liability

3. *And be it further enacted*, That every person offending against any of the provisions of this act, shall in addition to the penalties imposed by this act, be liable to pay damages to the extent of the injury done, to be recovered in like manner, and that all penalties and damages to be recovered under this act, shall be applied in the reparation of the said walks, or of the fences and railing erected for the protection thereof.

CHAP. 144.

AN ACT *to incorporate the Watertown Water Company.*

Passed April 10, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Marinus W. Gilbert, Orin Stone, Noah W. Keniston, Orville Hungerford, Henry Caswell, and such other persons as may become associated with them for supplying the village of Watertown, in the county of Jefferson, with water by means of aqueducts, shall be and are hereby created a body corporate and politic, by the name of "The Watertown Water Company," and by that name they shall be capable in law to sue and be sued, plead and be impleaded, in any court whatever, and to hold and enjoy such real and personal estate as may be necessary for the attainment of the object aforesaid, not exceeding ten thousand dollars in the whole, exclusive of the profits or income of the said aqueducts. Corporation. Name. General powers.

2. *And be it further enacted*, That the stock of the said company shall be deemed personal property, and shall consist of one thousand shares of ten dollars each. Stock.

3. *And be it further enacted*, That it shall and may be lawful for the persons above named to do and perform the several duties hereinafter mentioned, that is to say: they shall, on or before the first day of June next, procure a book, and in that enter as follows: "We, whose names are hereunto subscribed do, for ourselves and our legal representatives, promise to pay the Watertown Water Company the sum of ten dollars each for each share of stock in said company set opposite to our respective names, in such manner and proportion, and at such time and place, as shall be determined by the trustees of the said Watertown Water company," which book shall be left with one of the above mentioned persons, at his place of abode, who shall keep the same opened for the purpose of receiving subscriptions for said stock: and every subscriber shall, at the time of subscribing, pay to the aforesaid persons the sum of fifty cents on each share by him subscribed, which money paid as aforesaid shall by him be paid to the treasurer of said company as soon as he shall be appointed; and Marinus W. Gilbert, Orin Stone and Orville Hungerford, or any two of them, as soon as four hundred shares are subscribed for, shall cause an advertisement to be affixed up in at least three public places within the village of Watertown, in said county, giving at least ten days notice of the time and place when and where the stockholders of said company shall meet for the purpose of choosing five trustees, who shall be stockholders, for the purpose of managing the concerns of the said company for one year, and the day for choosing the said trustees shall thereafter be the anniversary day for choosing trustees; and any three of the said trustees shall be a quorum, and capable of transacting the business of the said corporation, and the trustees elected by a plurality of the votes of the stockholders shall and may meet from time to time, at such time and place as they may think proper, and shall have power to make such by-laws, rules and regulations, not inconsistent with Subscriptions how and by whom received. Notice for election of trustees. Quorum. By-laws.

the laws or constitution of this state or of the United States, as shall be necessary for the well ordering of the said corporation, with a power of declaring forfeited all previous payments made on the respective shares, when the whole sum or any part thereof is not paid at the time and place specified by the said trustees.

Subscriptions may continue

4. *And be it further enacted*, That the said trustees may continue to receive subscriptions to the stock of the said company until there

Proviso

shall be one thousand shares subscribed: *Provided*, That so much stock shall be necessary for the purposes herein contemplated.

Trustees to appoint officers

5. *And be it further enacted*, That the trustees shall be authorised in their discretion to appoint a clerk, a treasurer, a superintendent, and such other officers, agents and servants as they shall from time to time deem necessary for carrying into effect the powers

Declare dividends, make by-laws, &c

vested in said company, to declare the dividends on the stock of the said company, to establish rules and regulations, by-ordinances and by-laws for and concerning the conduct and government of such officers, agents and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all such persons as shall use the water from their works, so far as respects the preservation of the water furnished by the said company, and the use thereof, and to restrain the water thereof, and by such by-laws and ordinances to impose penalties for a neglect or

Proviso

refusal to comply therewith: *Provided*, That the penalty in any one case shall not exceed the sum of ten dollars.

Trustees may enter upon lands

6. *And be it further enacted*, That it shall be lawful for the said trustees, and any person or persons employed by them or acting under their authority, to enter in and upon, and freely to make use of any land which shall be necessary for the purpose of conducting a supply of pure and wholesome water to any part of said village of

Erect dams

Watertown, and to erect any dam or works across or upon any stream or streams of water, or any other place or places where they shall judge proper for the raising such stream or streams of water, or turning the course thereof, or for making use of such streams or places for constructing or working of any necessary engines, and to

Canals, &c

construct, dig or cause to be dug, any canal or trenches whatsoever, for the conducting of such springs or streams of water from any source or sources that they may see fit, and to raise and construct such dykes, mounds and reservoirs as they may judge proper for securing and conveying such supply of water as aforesaid to any part of said village, and to survey and lay out all such streams as they may think proper, in order to ascertain the best mode of furnishing such supply, and to lay out and construct any number of pipes, conduits or aqueducts, through or over any part of the said lands and village as they may see fit, and to agree with any owner

Compensation to owner

or owners of any lands, tenements or hereditaments that may be damaged or affected by any of the said operations, for a reasonable compensation, to be made to him, her or them for such lands, tenements or hereditaments, or the use thereof, as may be used or occupied for the purposes aforesaid, or any of them, or for any damage which he, she or they may sustain in using such lands, or the conducting, digging, laying, raising, repairing or making from time to time any such dams, reservoirs, aqueducts, canals, trenches, pipes, conduits, dykes or mounds as aforesaid; but in case of disagreement,

then the same shall be appraised and determined by any three reputable freeholders of the town of Watertown, to be chosen and agreed upon by the parties; and in case of refusal or neglect by either party to nominate and appoint such appraisers, then they shall be appointed by any three judges of the court of common pleas for the county of Jefferson not interested in the premises, at the request of either party, and the said company shall pay to the said owners respectively the sum reported by said appraisers under their or any two of their hands and seals, in full compensation for the same. How determined

7. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same be construed in all courts and places favorably and benignly for every beneficial purpose herein expressed. Public act

8. *And be it further enacted*, That any person who shall wilfully commit trespass by digging up any of the said pipes or conduits, or stopping up the same, or shall wilfully and maliciously obstruct the free course of water through said pipes or conduits, or shall wilfully injure or destroy any of the works, pipes, conduits, penstocks or reservoirs of said company, or shall wilfully and maliciously injure or destroy any of the dykes, mounds or other erections of the said company, shall be deemed guilty of a misdemeanor, and being convicted thereof by due course of law, shall be punished by fine or imprisonment, at the discretion of the court before which such conviction shall be had: *Provided always*, That such imprisonment shall not exceed the term of ninety days, nor such fine the sum of fifty dollars. Injuring pipes, &c how punished — Proviso

9. *And be it further enacted*, That the said trustees shall and may lay their conduits below the surface of any street or public highway in said town, putting such street or highway in as good condition as the same was before the conduits were laid: *Provided*, That nothing herein contained shall be so construed as to authorise the said company to erect any mills or machinery, or use or employ the water, dams, mounds and trenches for any other object than that of supplying the said village with water for domestic and culinary purposes, or to enter upon or take possession of any lands or tenements for the purposes herein expressed, without the consent of the owner or owners thereof first had and obtained. Duty of trustees in using highway — Proviso — Limitation

10. *And be it further enacted*, That the legislature may, at any time hereafter, alter, modify, amend or repeal this act. Legislature may repeal

CHAP. 145.

AN ACT *to provide for the colored Persons who are occupants of Lots in New-Stockbridge.*

Passed April 11, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the commissioners of the land-office to cause letters patent to be issued to the persons respectively, who have been reported by the appraisers of lands in New-Stockbridge, as colored persons, for the Duty of commissioners of land-office &c

lots set to their names as occupants, in the same manner as grants of land are authorised to be made to those who have been so reported, as white persons settled on said lands: *Provided*, That to the appraised value of each lot, there shall be added for the consideration money, a proportionable part of the expense incurred by the state in carrying into effect the act relating to the purchase of lands from the Stockbridge Indians, and for the relief of the settlers on the same, passed March 17, 1825: *And provided also*, That the occupants of such lots as have been ceded to the state, shall on or before the first day of August next, pay into the treasury one eighth part of the purchase money, and comply with the other conditions prescribed by law, for the sales of unappropriated lands, and that the occupants of lots not yet ceded to the state, shall do in like manner within three months after a cession thereof, shall have been so made.

Proviso

Patent to Thomas Wainer

2. *And be it further enacted*, That it shall and may be lawful for the commissioners of the land-office in like manner, and upon the terms and conditions aforesaid, to cause letters patent to be issued to Thomas Wainer, for the residue of lot number eighteen in said New-Stockbridge, containing seventy acres and eighteen hundredths of an acre of land, the same not having been set by the said appraisers to the name of any person as occupant.

CHAP. 146.

AN ACT *relative to the Poor in the County of Genesee, and to alter the time of the Annual Meeting of the Board of Supervisors in said County.*

Passed April 11, 1826.

Preamble

WHEREAS the board of supervisors in and for the county of Genesee, did at an adjourned meeting of said board on the sixteenth day of November one thousand eight hundred and twenty-five, pass a resolution, availing themselves of the provisions of the act to provide for the establishment of county poor houses, passed November twenty-seventh, one thousand eight hundred and twenty-four: Therefore,

Distinction between town and county poor, when abolished

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the erection of said county poor house, agreeably to the provisions of the act aforesaid, all distinction between county and town paupers in said county, shall cease, and that all paupers in said county shall be considered county paupers and sent to said county poor house, agreeably to the provisions of the act aforesaid.

Monies re'd for excise &c to be paid to county treasurer

2. *And be it further enacted*, That from and after the erection of said poor house, all such monies as shall be received by the several towns in said county for excise, fines, penalties, or from any other source whatever, as have been heretofore applied to the support of the poor in said towns, shall be paid by the person or persons authorised to receive the same into the hands of the treasurer of said county to be paid by him to the superintendents of said county poor-house, to be applied and accounted for in the same manner as other

how applied and accounted for

monies received by them for the support of the poor in said county, and in case any such person or persons so authorised to receive said monies, shall refuse or neglect to pay over the same to said treasurer, within thirty days from the receipt thereof, the said treasurer is hereby authorised and required to sue for and recover said monies from the person or persons, receiving the same with costs of suit in an action for monies had and received to the plaintiffs' use, in any court in this state having cognizance thereof: *Provided nevertheless*, That if any poor person shall be taken sick or lame, so that such person cannot be conveniently removed to said poor house, such poor person shall be supported during such sickness or lameness, and the accounts for the same, audited and settled agreeably to the provisions of the act for the relief and settlement of the poor, passed April eighth, one thousand eight hundred and thirteen. Proviso

3. *And be it further enacted*, That the overseers of the poor in the several towns in said county, shall annually, on the last Tuesday next preceding the annual town-meeting in said towns, exhibit to the supervisors of said towns respectively, a statement of all monies received by them for the year then next preceding, a copy of which statement shall be by said supervisors laid before the board of supervisors at their annual meeting then next succeeding. Duty of overseers and supervisors

4. *And be it further enacted*, That all the provisions of the act entitled "an act to alter the time of the annual meetings of the board of supervisors in several of the counties of this state, and for other purposes," passed April nineteenth, one thousand eight hundred and twenty-five, shall be and the same are hereby extended to the county of Genesee. Annual meetings of supervisors

CHAP. 147.

AN ACT *to authorise the establishment of a County Poor-House in the County of Schenectady, and for other purposes.*

Passed April 11, 1826.

WHEREAS the mayor, Aldermen and commonalty of the city of Schenectady, and the trustees of the towns of Glenville and Rotterdam, and the supervisors of the county of Schenectady, have represented to the legislature, that the said mayor, aldermen and commonalty and the said trustees, in order to promote the establishment of a county poor-house in said county, are willing, in case a law should be passed authorising the same, to sell and convey the almshouse and farm now belonging to them, to the said supervisors; but that as the said county is excluded from the operation of the act for the establishment of county poor-houses, passed November twenty-seventh, eighteen hundred and twenty-four, the supervisors thereof cannot avail themselves of the provisions of the said act, except at their annual meeting, and have prayed legislative aid in the premises: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the board of supervisors of said county to avail themselves of the provisions of the said act in the manner directed by the last Duty of supervisors

section thereof, immediately from and after the passage of this, and that for that purpose, or any other, relative to the management, government or superintendence of the poor-house of said county when established, extra meetings of the said board may be convened in the mode prescribed in and by the second action of the act to amend the act to provide for the establishment of county poor-houses, passed January nineteenth, eighteen hundred and twenty-five.

Sale of alms house

2. *And be it further enacted*, That it shall and may be lawful for the mayor, aldermen and commonalty of the said city, and the trustees of the said towns of Rotterdam and Glenville, in the county aforesaid, at any time after the passing of this act, and they are hereby authorised to sell and convey by deed, the alms-house and the lands appertaining thereto, upon such terms as they shall deem expedient and proper, to the board of supervisors of the county of Schenectady, for a county poor-house: *Provided however*, That no such sale or conveyance shall be made unless two thirds of the members composing the common council of said city, and two thirds of the members of each of the respective boards of trustees belonging to the said towns of Glenville and Rotterdam, shall consent and agree to such conveyance and sale.

Proviso

Superintendants of the poor house, how appointed

3. *And be it further enacted*, That it shall be the duty of the supervisors of the said county, at their first meeting after the establishment of a county poor-house therein, and at each and every of their annual meetings thereafter, to appoint not less than three nor more than five persons, to be denominated "Superintendents of the poor-house of the county of Schenectady," who shall hold their offices until the next annual meeting of the said board of supervisors to be held after such appointment, and who, under the directions hereinafter mentioned, shall have the management and superintendence of the said poor-house, and every thing relating thereto, and shall be vested with all the power and authority by the said act conferred upon superintendants of poor-houses, excepting the making of the rules, regulations and by-laws mentioned in the second section of the said act, which rules, regulations and by-laws the board of supervisors of the said county are hereby authorised and required from time to time, to make, ordain and establish.

Their duty

Regulations

Indigent persons to be sent to poor house

4. *And be it further enacted*, That it shall and may be lawful for any justice or justices of the peace of said county, after due examination into the circumstances and condition of indigent applicants for relief, to order temporary relief in the manner directed by the twenty-fifth section of the act to provide for the relief and settlement of the poor, instead of sending such applicants in all cases (except sickness) to the county poor-house, as directed by the third section of the act to provide for the establishment of county poor-houses.

Each town and city to pay the expense of its own poor

5. *And be it further enacted*, That the said city and each town in the said county shall support and maintain its own poor, and that it shall be compulsory on each, to place their poor, distinguished as town or city poor, in said county poor-house, and that the expense of maintaining and supporting such poor as shall be sent or placed in said county poor-house, by said city or any town in said county, shall be paid by the city or town to which such poor shall belong; that the monies for the support of such poor shall be raised as is

directed by the twenty-third section of the act, entitled "an act for the relief and settlement of the poor," passed eighth April, eighteen hundred and thirteen; and the overseer of the poor of each of the several towns shall pay for the support of the number of paupers each of said towns respectively shall have in the county poor-house, out of the money raised by the respective towns, or appropriated by law for the support and maintenance of the poor, if sufficient money shall be in their hands, to the superintendents, or any one of them, which sum or sums so paid, the superintendents shall place to the credit of the town or towns by whom the same was paid, in a book or books to be kept for that purpose; but that all the expenses incident to the establishing, keeping, maintaining and governing said county poor-house, as also the expense and relief of such persons as are denominated county poor, shall be a charge upon said county, and be raised, levied and collected in like manner as other county charges, instead of being paid in proportion to the number and expenses of paupers the several towns respectively shall have in the said county poor-house, as provided by the sixth section of the act for the establishment of county poor-houses, which monies when collected shall be paid by the several collectors into the hands of the treasurer of said county, to be received and applied by the said superintendents under such rules, regulations and by-laws as the said board of supervisors shall from time to time make, establish and ordain.

Expenses of county poor, how paid

CHAP. 148.

AN ACT *to appoint Commissioners to lay out and straighten a Road from the Village of Hyde Park to Stanfordville, in Dutchess County.*

Passed April 11, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Solon Lapham, Hunting Sherrill, Benjamin Delamater, Joseph Dennis and Samuel V. Hoffman, or any three of them, be and they are hereby appointed commissioners to lay out, alter and straighten the public highway or road now running from Hyde Park village to Stanfordville, in said county of Dutchess, said road to be not less than two, nor more than three rods wide, and to be laid out in such manner and place as the said commissioners shall deem most practicable, but to follow as nearly as may be the course of the present road, said road beginning at the village of Hyde Park, near the pump on the Highland turnpike, and running from thence east to the east side of Crum Elbow creek, at the old nail factory dam, thence the best and most advisable route to Union corner, thence to Salt Point, and from thence to Stanfordville, in the town of Stanford.

Commissioners and their duty

2. *And be it further enacted*, That the said commissioners shall, on or before the first day of June next, commence laying out said road, and before they enter upon the duties aforesaid shall take and subscribe an oath or affirmation before any judge or justice of the

When to commence

Oath

peace of said county, to lay out and straighten said road without favor or partiality; and they shall, after laying out said road, cause to be made an accurate map of the survey of said road, and sign and file the same in the clerk's office in the towns in which the said road shall be laid out; and it shall be the duty of the clerks of said towns to receive and immediately record the same, and give notice in writing to the commissioners of highways of their respective towns, of laying out and recording of said road, whose duty it shall be within their respective towns, to cause the said road to be opened in the time and worked in the manner prescribed by the act, entitled "An act to regulate highways, and the acts amending the same;" and if the said road shall be laid through any lands to the damage or injury of the owners thereof, the damages, if required, shall be levied and paid as is prescribed in and by the act last aforesaid.

Map to be filed

Clerk's duty

Commissioners of highways

3. *And be it further enacted*, That the said commissioners and their surveyor shall each be allowed two dollars, and the chain bearers one dollar each per day, for every day they shall be necessarily employed in the duties aforesaid, and the supervisors of said county shall audit the accounts of said commissioners, surveyor and chain bearers, and cause the same to be equally assessed on the towns through which the said road shall be laid out, and the sum so audited or allowed to be paid over to the said commissioners for the purposes aforesaid.

Compensation

How paid

CHAP. 149.

AN ACT *supplementary to the act entitled "An Act to incorporate the Orange and Sussex Canal Company," passed April* 9, 1824.

Passed April 11, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time for opening the books of subscription for the capital stock of the said company be, and the same is hereby enlarged and extended unto the first day of April, in the year one thousand eight hundred and twenty-eight; and it shall be lawful for the said commissioners appointed by and under the said act, after continuing the said books open for the space of two days, either finally to close the same or to adjourn from time to time, until the whole capital stock shall be subscribed.

Time for opening books extended

2. *And be it further enacted*, That the stockholders of the said corporation shall be holden in their individual capacities, responsible, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively, and any person having any demand against the said company, may sue any stockholder thereof, and recover in any court having cognizance thereof: *Provided* such suit shall not be maintained without proof that such demand had been presented to the proper office of the said company for payment, and the payment thereof neglected or refused: *And provided also*,

Stockholders responsible for debts &c.

and may be sued

Proviso

That the said company shall be liable to be prosecuted as a corporation for any such demands.

9. *And be it further enacted*, That the legislature may at any time alter, amend or repeal this act, and the act hereby amended. Right to repeal

CHAP. 150.

AN ACT *to amend the Act, entitled "An Act relative to the different Tribes and Nations of Indians in this State," passed April* 10, 1813.

Passed April 11, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the provisions of the third section of the act entitled "an act relative to the different tribes and nations of Indians in this state," passed April tenth, eighteen hundred and thirteen, so far as they may be applicable, be, and they are hereby extended to the Seneca and St. Regis tribes of Indians, and that any person or persons who shall sell to any Indian of said tribes, or to any Indian residing with or visiting said tribes, any rum, brandy, gin or other ardent spirits, within the county of Cattaraugus or Franklin, shall be deemed guilty of a public offence, and be subject to the penalties provided in and by the said section, to be recovered and paid in the manner therein prescribed. 3d section of former act extended to the Seneca and St. Regis Indians. Selling ardent spirits to them declared a public offence

CHAP. 151.

AN ACT *to authorise the Supervisors of the County of Rensselaer to raise a further sum of Money to build a Gaol in said County.*

Passed April 11, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the supervisors of the county of Rensselaer, be and they are hereby authorised at their next meeting, or at any other meeting thereafter, to raise a sum in addition to the sum already raised, not exceeding in amount the sum of five thousand dollars over and above the ordinary fees for collecting the same, by tax upon the freeholders, inhabitants and taxable property of the said county of Rensselaer, for the purpose of building a gaol for the said county, and such out buildings and appurtenances therefor, as shall by the said board of supervisors be considered necessary, which sum shall be raised, levied and collected in the same manner as other contingent charges of said county are raised, levied and collected. Supervisors authorised to raise D5000 by tax. for building gaol

2. *And be it further enacted*, That as soon as the money authorised to be raised by the first section of this act, shall have been collected and paid over to the treasurer of the said county, the said supervisors, or a majority of them, shall order the said treasurer to pay over the same to the commissioners already appointed or who may Money to be paid to commissioners

be hereafter appointed by the said supervisors for the purpose of building the said gaol, or to a majority of them, to be expended by them for the purposes aforesaid, after deducting a fair compensation for the services of the said commissioners.

1832 - 297 - 319

CHAP. 152.

AN ACT *to amend the Act, entitled "An Act to incorporate the Village of Buffalo, in the County of Erie," passed April 17th,* 1822.

291

Passed April 11, 1826.

Bounds of the village extended

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the bounds of the said village of Buffalo shall be so extended eastwardly as to comprise the outer lots designated on a map of the said village made by Joseph Ellicott, and all the docks, piers and wharves now erected or hereafter to be erected at or adjoining the mouth of Buffalo creek.

Trustees authorised to license and regulate inns and taverns

2. *And be it further enacted,* That it shall be lawful for the trustees of the said village to regulate the number and determine the qualifications of the persons to be licensed to keep inns or taverns within the same, and to determine the sums which persons applying for such licenses shall respectively pay, not exceeding fifty dollars nor less than five dollars, exclusive of the sum of one dollar to be paid for each license to the president of the trustees of said village for making out such license, and taking the recognizance as required by law; and it shall be lawful for the said trustees to grant licenses to so many persons applying for the same as they shall think proper, to keep groceries or victualling houses, or shops or houses where spirituous liquors are intended to be sold to be drank in such groceries, victualling houses or shops as aforesaid, and on granting such licenses, to require such person to enter into a bond to the trustees of said village in the sum of one hundred dollars, conditioned that such person will not, during the term of his, her or their license, keep a disorderly house or shop, nor suffer any gaming, raffling, or playing with cards or dice, nor keep a gaming table within such grocery, or sell or give to any Indian any spirituous liquors; and in case such person shall, during the time for which such license was granted, be guilty of any offence contrary to the condition of such bond, it shall be lawful for said trustees to revoke such license; and any person keeping such grocery as aforesaid without a license first obtained, shall be subjected to a fine of twenty-five dollars, to be sued for and recovered, with costs, before any magistrate in said village; and all such fines when so recovered, and all monies collected for licenses, shall be paid over by said trustees to the overseers of the poor of the town of Buffalo, for the support of the poor of the said town.

Duty of trustees in relation to highways

3. *And be it further enacted,* That the village of Buffalo is hereby declared to be a road district, and the trustees thereof and their successors shall be and are hereby declared to be commissioners and overseers of roads and highways within said village, and shall yearly and every year assess the freeholders and inhabitants of the said

village to work on the public streets and roads such number of days' works, and at such times and places, as the said trustees shall deem just and proper: *Provided always*, That no person shall be assessed more than thirty days nor less than one day in any one year.

Trustees to open and improve streets, &c

4. *And be it further enacted*, That it shall and may be lawful for the said trustees, or a majority of them, to open and improve any street heretofore laid out in said village, and they shall have the exclusive power to lay out the streets and roads within said village of such width, extent and dimensions as they shall deem most conducive to the public good; and on the oath of twelve disinterested freeholders requiring the same, to alter and discontinue, and order to be discontinued or altered, any road or highway within said village, or any part or parts, either in length or width thereof: *Provided however*, That any person or persons through whose land any street or road may hereafter be laid out, shall feel himself or themselves aggrieved thereby, he or they shall be entitled to have the damages occasioned thereby assessed by a jury, as provided in the sixteenth section of the act, entitled "An act regulating highways;" and it shall be the duty of the said trustees to notify a meeting of the freeholders and taxable inhabitants of said village, and if they shall approve of the award of said jury, the damages so awarded shall be assessed and paid as other contingent expenses of said village; but such roads shall not be opened until such appraisal shall have been approved as aforesaid.

Proviso

Persons aggrieved may have damages assessed by a jury

$2000 may be raised by tax, and for what purpose

5. *And be it further enacted*, That the board of trustees of the said village shall and may, from year to year, cause a sum not exceeding two thousand dollars to be raised by tax, to defray the expense of lighting the streets in said village, supporting a nightwatch therein, and for defraying the expense of any local improvement, and to defray the contingent expenses of said village; and the sum so raised shall be levied and assessed upon the real and personal estates of the owners and occupants, in a just and equitable manner, in proportion as nearly as may be to the advantages which each shall be deemed to receive thereby; and the monies so raised shall be levied, assessed and collected in the same manner as is provided in the act hereby amended, and be paid into the treasury of said village, and be subject to the order of the board of trustees.

Duty of trustees relative to piers and wharves

6. *And be it further enacted*, That the said trustees be and they are hereby authorised from time to time to cause such piers and wharves to be erected on the north side of Buffalo creek as they shall deem necessary to confine the channel thereof within proper limits at its entrance into the lake, and to make all necessary repairs to the works already erected and to those hereby authorised; and on application to the commissioners of the land-office, they are hereby authorised to grant and convey to the trustees of the said village, the land under the water in lake Erie occupied by the works aforesaid, also the land formerly occupied by the old channel of the said creek, from which the current has been diverted, or any lands created or reclaimed in consequence of constructing said pier.

To receive conveyance of land under water

Parts of former act repealed

7. *And be it further enacted*, That so much of the act, entitled "An act to incorporate the village of Buffalo, in the county of Erie," passed April 17th, 1822, as is inconsistent with this act act, be and the same is hereby repealed; and that this act shall be deemed a public act, and shall be construed in all courts and places favorably

Public act

Proviso

Legislature may repeal

for every beneficial purpose therein intended: *Provided*, That the privileges granted by this act shall be deemed and taken as a quit-claim of the interests of the state only, and that the legitlature shall at all times have the power, without payment of any compensation, to alter, modify or repeal this act.

CHAP. 153.

AN ACT *extending the time for the completion of the Highland Turnpike Road.*

Passed April 11, 1826.

Time extended 10 years

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the time for completing the Highland turnpike road be, and the same is hereby extended for ten years from and after the passing of this act.

Part of 16th section repealed

2. *And be it further enacted*, That so much of the sixteenth section of the "act to incorporate the Highland turnpike company," passed April 2, 1806, as directs the appointment of commissioners to inspect the road thereby authorised to be constructed, be and the same is hereby repealed, and that the said turnpike road shall be

How inspected

subject to the inspection and controul of the commissioners who have been or may be appointed pursuant to "an act appointing commissioners for the inspection of turnpike roads, and for other purposes," passed April 9, 1804, in the same manner as if no special provision for inspecting the said road had been inserted in the said act of incorporation.

Amount of tolls to be exhibited to comptroller, &c

3. *And be it further enacted*, That it shall be the duty of the said president, directors and company, within six months after the passage of this act, to exhibit to the comptroller of this state, under the oath of the president or one of the directors, the amount specified in the thirteenth section of the act incorporating the said company aforesaid, and also an account of all sums received by the said company from tolls or otherwise, since the organization thereof,

And expenditures

and of the expenditure thereof; and it shall also be the duty of the said president and directors, annually hereafter on the first day of January, to render to the comptroller an oath as aforesaid, a similar account of all monies received since the last account rendered, and of the expenditure thereof, and a list of the existing stockholders of the said company, and that in case of a refusal or neglect to render such accounts as aforesaid, the said company shall be deemed to have surrendered all the rights and privileges conferred by this act.

Legislature may repeal

4. *And be it further enacted*, That the rights and privileges hereby granted, are on the express condition that the legislature may at any time repeal, alter or modify this act, and any acts which

Proviso

have heretofore been passed relating to the said corporation: *Provided nevertheless*, and the privilege hereby granted is upon the

Tolls in certain cases

condition, That it shall not be lawful for the said company to ask, demand or receive from any person travelling the said road from the Blue Store toward the Dutchess county line, or across the same, or from the Dutchess county line toward or by the Blue Store, or to the post road, any greater amount or rate of toll at any gate between

the Blue Store and Dutchess or county line, than the following, that is to say, for every score of sheep, three cents; every score of cattle or mules, six cents; every horse and rider, or led horse, three cents; every sulkey, chair or chaise with one horse, six cents; every chariot, coach, coachee curricle or phaeton, twenty-five cents; every stage, waggon or other four-wheeled carriage or stage sleigh, drawn by two horses or two oxen, four cents; and two cents for every additional horse or ox; for every sleigh or sled drawn by two horses or oxen, three cents; and for every additional horse or ox, one cent; and for every one horse waggon, two cents.

CHAP. 154.

AN ACT *to incorporate the United States Mexican Company.*

Passed April 11, 1826.

WHEREAS Joseph B. Varnum, Churchill C. Cambreleng and John Flack, on behalf of themselves and their associates, have by their petition to the legislature, stated that they have secured the title to two of the most valuable silver mines in Mexico, and are in treaty for five others, and are desirous of working the same on a large scale, by means of which much specie and bullion may be introduced into this state, and have asked for an act of incorporation to facilitate them in their said undertaking: *And whereas* it is important that the citizens of the United States should have an opportunity of carrying on the mines in those parts of America which lately belonged to Spain, upon terms of equal advantage with the English and other Europeans, who are now largely engaging in that business: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Joseph B. Varnum, Churchill C. Cambreleng, John Flack, and their present and future associates, be and they are hereby made and constituted a body politic and corporate, by the name of the United States Mexican Company, for the purpose of purchasing, leasing and working gold and silver mines in Mexico and South America. Corporation. Name

2. *And be it further enacted*, That the capital stock of the said company shall be one million of dollars; that the said capital stock shall be divided into four thousand shares of two hundred and fifty dollars each, and that the stock of the said company shall be assignable and transferable, and shall be considered as personal property. Capital stock

3. *And be it further enacted*, That John Flack, Joseph B. Varnum, Churchill C. Cambreleng, William Kemble and Charles Henry Hall shall be commissioners, whose duty it shall be on such day as they may deem expedient within three months from the passing of this act, at some suitable place in the city of New-York, to open books to receive subscriptions to the capital stock of the said corporation, which subscriptions to the said capital stock, or to such parts thereof as by the said commissioners may be deemed proper and necessary, shall be opened by the appointment and under the Commissioners to receive subscriptions, &c.

direction of the said commissioners, or a majority of them, subject to such rules, limitations and conditions as by them shall be prescribed; and ten days public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one or more of the public newspapers printed in the said city, and as soon as the said capital stock, or so much thereof as the said commissioners shall deem necessary, to commence the business of the said corporation shall be subscribed, they shall give a like notice for a meeting of the stockholders, to choose seven directors; and the said commissioners shall be inspectors of the first election of directors of the said incorporation, and shall certify under their hands, the names of those duly elected, and deliver over their subscription books; and the time and place of holding the first meeting of the directors shall be fixed by the said commissioners.

Directors how chosen

Their duty

4. *And be it further enacted*, That the stock and affairs of the said corporation shall be managed and conducted by the said seven directors, so to be chosen, and their successors, who shall be resident citizens of the state of New-York, and stockholders; and that the said seven directors so to be chosen as aforesaid, shall hold their offices until others shall be appointed in their stead, and that new directors shall from time to time be appointed in such manner, and at such times as may hereafter be fixed by the by-laws of the said corporation.

New directors how chosen

Four directors form a board

5. *And be it further enacted*, That four of the directors of the said corporation shall form a board, and be competent to transact the business of the corporation, and they shall have full power from time to time, to distribute such parts of the capital stock as may not have been before distributed, in such manner as they may deem proper, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the appointment of directors, the transfer of shares, and touching the duties and conduct of their officers and servants, and all other matters whatsoever, which may appertain to their business; and shall also have power to appoint all such officers, clerks, agents and servants, for carrying on their said business, as to them shall seem meet, and to establish and fix such salaries and allowances to them, as to the said board of directors shall appear proper.

May distribute stock

Make by laws &c.

And increase the capital stock

6. *And be it further enacted*, That the said directors shall have power whenever they may deem it for the interest of the said company, to increase the capital stock of the said company to one million five hundred thousand dollars, by making an additional number of two thousand shares, to be distributed as aforesaid.

Corporation to work gold and silver mines

Deal in bullion, &c

7. *And be it further enacted*, That the said corporation shall have power to work such gold and silver mines in the independent governments of Mexico and South America, as they may from time to time purchase or lease, in such manner as the laws of the country in which such mines are situated will permit; and to deal in bullion or other products of the said countries, and in the stocks or public debt of all or any of them, as may be deemed proper, and to export such machinery, manufactures and produce of the United States, as may be required in working such mines, or in refining the metals produced from the same.

8. *And be it further enacted*, That it shall not be lawful for the said corporation, to do or transact any banking business, or to issue any note, bond or bill, or to issue any check or draft for the purpose of loaning the same, or to discount any note, bond or bill, or to use or exercise any power not expressly granted by this act, or indispensably necessary, to effect the objects of this incorporation. Banking prohibited

9. *And be it further enacted*, That the directors and stockholders of the said corporation, and each and every of their heirs, executors and administrators, shall be responsible and answerable for the debts contracted or owing by the said corporation, and on all contracts made by the said corporation, or by authority thereof, during the time they are stockholders, to the amount of the stock held by them respectively, in the same manner as if the said directors and stockholders were not incorporated, or were joint dealers or copartners, and may be sued and prosecuted either at law or in equity, as if they were carrying on the business and concerns of the said corporation, as joint dealers and copartners, without being incorporated, any thing herein contained, or any law or usage to the contrary notwithstanding: *Provided*, That nothing herein contained, shall be taken or construed, to prevent or hinder the said corporation from being sued and prosecuted as a corporation. Stockholders how responsible for debts. Proviso

10. *And be it further enacted*, That this act shall be, and is hereby declared to be a public act, and shall be construed in all courts and places benignly and favorably, for every beneficial purpose herein intended, and that it shall be lawful for the legislature at any time hereafter, to alter, modify or repeal this act. Public act, & may be repealed

CHAP. 155.

AN ACT *to authorise Lucius C. Foot and Alexander Martin to erect a Dam across the Genesee River in the Town of Nunda, in the County of Allegany.*

Passed April 12, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Lucius C. Foot and Alexander Martin, and they are hereby authorised to erect a dam across the Genesee river, above and near to the upper falls of said river, commencing on lot number one hundred and sixty-five, situate in Elisha Johnson's subdivision of the Cottringer Tract on the east side of the river in the town of Nunda in the county of Allegany, and extending to the opposite banks of said river on the tract aforesaid: *Provided*, That nothing in this act shall be so construed as to affect the rights of individuals, who may be injured by reason of the erecting and continuing said dam, and it shall be lawful for the legislature at any time to alter, amend or repeal this act. Dam authorised. Proviso Protecting individual rights

2. *And be it further enacted*, That if at any time hereafter the waters should be required or drawn from said river for the benefit of internal improvements or navigation, it shall not be lawful for the said Foot and Martin, nor any person owning such dam, to claim or recover any damages therefor. Waters reserved for internal improvements

CHAP. 156.

AN ACT *to authorise Samuel King and others to erect a Dam across the Genesee River, in the Town of Caneadea in the County of Allegany.*

Passed April 12, 1826.

Dam authorised

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Samuel King, Asa L. Davison and Martin Butts, and they are hereby authorised to erect and maintain a dam, not exceeding four feet in height, across the Genesee river, from lot number one on the west side, to lot number two on the east side of said river, being in township number four, range first of the Holland purchase, in the town of Caneadea in the county of Allegany: *Provided however*, That the said Samuel King, Asa Lee Davison and Martin Butts, shall erect and keep in repair an apron or lock in said dam, of such construction as to render the passage safe and easy for rafts, arks and other boats commonly used in said river, and suffer the same to pass and repass free from toll or expense of any kind, during the continuance of said dam: *And provided further*, That nothing in this act shall be so construed as to affect the rights of individuals who may be injured by reason of the erecting and continuing said dam, and it shall be lawful for the legislature at any time to amend or repeal this act.

Proviso

Apron to be constructed

Individual rights reserved

Waters reserved for internal improvements

2. *And be it further enacted*, That if at any time hereafter the waters should be requisite, or drawn from said river for the benefit of internal improvements or navigation, it shall not be lawful for the said Samuel King and his associates, nor any person owning said dam, to claim or recover any damages therefor.

CHAP. 157.

AN ACT *to amend an act entitled "An Act for the Partition of Lands," passed April* 12, 1813.

Passed April 12, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That upon all bills filed in the court of chancery for this state, or in either of the courts of equity for the several circuits of this state, for the purpose of procuring a partition of lands, tenements or hereditaments, wherein it shall appear to such court, by the report of a master of the court of chancery, or otherwise, that the said lands, tenements or hereditaments are so circumstanced that a partition thereof cannot be made, without prejudice to the owners thereof, the said court may order and decree a sale of such premises at public auction, under the direction of one of the masters of the court of chancery, upon such public notice of the time and place of said sale, as the court shall deem reasonable; and may also decree and order that the master under whose

direction such sale shall be made, execute good and sufficient conveyance or conveyances in the law to such purchaser or purchasers at such sale, which conveyance or conveyances shall be a bar, both in law and equity, against all the parties to such bill, and against all persons interested, who or whose interests are unknown, and as to whom such order of the court has been published as is directed by the seventeenth section of the act hereby amended, and against all other persons claiming by, from or under them or either of them, subject to the right of appeal, given and mentioned in such seventeenth section of the said act.

CHAP. 158.

AN ACT *authorising the Town of Fort Ann, in the County of Washington, to give a Bounty for the Destruction of Wolves.*

Passed April 12, 1826.

Bounty of $15 may be allowed for wolves, &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the freeholders and inhabitants of the town of Fort Ann, in the county of Washington, at their annual town meetings, to cause a sum of money to be assessed on the freeholders and inhabitants of said town, not exceeding fifteen dollars for the destruction of every grown wolf, and a sum not exceeding seven dollars and fifty cents for every wolf's whelp which shall be killed in said town, in addition to the sum now allowed by law, which shall be raised, levied and collected in the same manner as other expenses of said town.

How raised

Proof how made

2. *And be it further enacted*, That to entitle any person to such town bounty, the same proof shall be made, and certificate obtained in the same manner and effect as is required in and by the act, entitled "An act to encourage the destruction of wolves, and repealing sundry acts relative to the destruction of wolves and noxious animals and birds," passed February ninth, eighteen hundred and twenty-two.

CHAP. 159.

AN ACT *authorising the Survey and Sale of the Lands belonging to this State at the Village of Black Rock.*

Passed April 12, 1826.

Duty of commissioners of land-office relative to lands at Black Rock

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of the land-office to cause all the lands unsold, and which has not been surveyed and laid out into lots, belonging to the people of this state at the village of Black-Rock, in the county of Erie, to be surveyed and laid out into lots in such manner, and of such size and dimensions, as in their opinion will sell most advantageous for the interest of this state; and when so surveyed and

laid out, the said commissioners shall have the like powers to sell and convey the same as they now have in relation to the unappropriated lands of this state: *Provided*, That in the sale of any lot or lots adjoining the Black-Rock basin or Niagara river, the commissioners of the land-office may grant or reserve the land under water opposite such lot or lots, as they may judge most beneficial to the interests of the state: *And provided also*, That no grant of any land under the said waters shall be made so as to obstruct the convenient navigation of the said basin or river.

Proviso

Relative to grants under water

Not to obstruct navigation

CHAP. 160.

AN ACT *to incorporate the Albany County Agricultural Society.*

Passed April 12, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Stephen Van Rensselaer, John Schuyler, junior, John Beekman, junior, Douw Fonda, Abel French, Jesse Buel, William James, Charles R. Webster, Joseph Alexander, Isaiah Townsend, John Townsend, John Walsh, Stephen Wilies, Aaron A. Moore, Henry W. Snyder, William McKown, Teunis Van Vechten, Jeremiah Schuyler, Robert Dunbar, junior, John V. A. Lansing, Isaac Mark, Benjamin Knower, Richard Van Kleeck, Matthew Bullock, James B. Wands, Moses Smith, Rufus Watson, Jonathan Jenkins, Johan Jost Dietz, Christopher Dunn, Jacob Ten Eyck, William N. Sill, Matthew Henry Webster, William Chapman, John H. Burhans, Edward Haswell, Ambrose Spencer, Francis Bloodgood, Jacob Ten Eyck, Andrew Ten Eyck, William Warren, Stephen Van Rensselaer, junior, Israel Smith, Volkert P. Douw, Samuel M. Hopkins, Samuel Haines, Andrew Witbeck, John Gibbons, Malachi Whipple, John Dorman, Israel Shears, and such other persons as shall from time to time become members of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, by the name and style of "The Albany County Agricultural Society;" and by which name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and that they and their successors shall be enabled in law to purchase, take, receive, hold and enjoy any real or personal estate in fee simple, or for term of lives or otherwise, and the same to lease, sell, dispose of and convey for the purpose of better enabling them to carry into effect such measures as to the said society shall seem best calculated to encourage and promote agriculture and domestic manufactures within the said county of Albany: *Provided*, That the clear annual value of such real and personal estate shall not exceed five thousand dollars; and that they and their successors shall

Style and general powers

Proviso

at all times have full power and authority to ordain, make and establish such by-laws, rules and regulations. as they shall judge proper for the better government and regulation of the officers and members of the said society, and for ascertaining and determining an equal annual rate of contribution to be paid by the members thereof in aid of the funds of the said society, and for prescribing the time and place of holding the annual fair of the said society.

Officers

2. *And be it further enacted,* That for the better carrying on the business and affairs of said corporation, there shall be a president, two vice-presidents, a treasurer, secretary, an executive committee, and such other committees as shall from time to time be appointed, who shall hold their offices for one year, and until others shall be appointed in their places; that the annual election of the said society shall be held on the second Tuesday of October, at such place in the city of Albany, and at such hour of the day, as shall be provided for that purpose; that Stephen Van Rensselaer shall be the first president, John Schuyler, junior, and John Beekman, junior, the first vice-presidents, Douw Fonda the first treasurer, and Matthew Henry Webster the first secretary.

Right to repeal

3. *And be it furtker enacted,* That the legislature shall have the right, at any time hereafter, to alter, modify or repeal this act.

CHAP. 161.

AN ACT *supplementary to an act, entitled "An Act to prevent injury by Dogs," passed March* 24, 1801.

Passed April 12, 1826.

Tax on bitches

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That in all the counties in this state, except the city and county of New-York, and the county of Richmond, the owner or possessor of any bitch or bitches, of three months old or upwards, kept by any one person or family, shall pay a yearly tax of two dollars for the first, and five dollars for every additional one so kept.

On dogs

2. *And be it further enacted,* That whenever any one person or family shall keep more than one dog, of six months old or upwards, other than such as are mentioned in the first section of this act, the owner or possessor of any such dogs shall pay a yearly tax of one dollar for the second dog, and a like tax of three dollars for every third and additional dog; and it shall be lawful for the assessors in each town in the said several counties, at the time of making their annual assessments, to enter in a book to be kept for that purpose, the name of every person in their respective towns owning or keeping any bitch or other dogs, and the number of each; and it shall be the duty of such assessors to deliver an abstract from the said books to the collector of each town, with directions for collecting the tax aforesaid on the same, and the said collector shall collect such tax, and pay the same as hereinafter directed.

Description in writing to be given to assessors

3. *And be it further enacted,* That the owner or possessor of any bitch, or of any other dogs above the number of one, shall, within six months after the passing of this act, and thereafter with-

in thirty days after he or she shall become the owner or possessor of such dog or dogs, deliver a description in writing of every dog by him or her owned or possessed, to one of the assessors of the town in which such owner or possessor shall reside, upon pain of forfeiting three dollars for every neglect or refusal so to do, to be sued for and recovered by the supervisor of the town in which such owner or possessor shall reside, in an action of debt, with costs of suit, in any court having cognizance thereof; which sum, when collected, shall be paid over to the county treasurers of the said counties respectively, to be applied and disposed of in the same manner as the taxes and assessments to be imposed and collected by virtue of this act.

Penalties

4. *And be it further enacted*, That if the owner or possessor of any dog or dogs shall neglect or refuse to pay the tax on the same as aforesaid, after demand thereof made by the collector, such collector shall proceed to enforce payment in like manner as the payment of other taxes may be lawfully enforced; and every person in possession of, or who shall suffer any dog to remain about his or her house for the space of twenty days before demand made by the collector as aforesaid, such person shall be deemed the owner of such dog, and liable to pay the tax for the same, and such person may lawfully kill such dog if no other person, within the said twenty days, shall appear to claim him.

Money recovered, how to be disposed of

5. *And be it further enacted*, That the several collectors aforesaid, may retain out of the money so to be collected, five per cent., as a compensation for their trouble, and shall pay the residue thereof to the treasurers of the said counties respectively, to be disposed of by the supervisors of the said counties respectively, by warrant upon the said treasurers, towards satisfying such damages as may arise in any year from dogs killing or injuring sheep, and the residue of the said tax, if any, after such damages are satisfied, shall be paid to the overseers of the poor of the respective towns in the said counties, in proportion to the tax so collected in each town, towards the support of the poor thereof: *And further*, If any collector aforesaid, shall neglect or refuse to do any thing herein before required of him to do, he shall for every offence forfeit and pay the sum of twelve dollars and fifty cents, to be recovered, by action of debt, with costs, before any justice of the peace of the said counties respectively, by any peason who shall sue for the same; the one half, when recovered, to belong to the prosecutor, and the other half to be applied to the uses aforesaid.

Persons sustaining damage by dogs to give notice to fence viewers

6. *And be it further enacted*, That when any person within the said counties respectively shall sustain any damage by any dog, by killing or hurting any sheep belonging to him, he may apply to any two fence viewers of the town in which he resides, and if it shall appear to their satisfaction, on view of the sheep, that the same were killed or hurt by one or more dogs only, they shall so certify in writing, and also the value of the sheep or damages sustained, and the number killed or hurt, which certificate, signed by them, shall be a sufficient voucher to the supervisors of the said counties respectively, for paying the value of the sheep or damages therein expressed, out of any monies remaining in his hands which shall have been raised by virtue of the provisions of this act: *Provided however*, If the owner or possessor of any such dog be known, and of suffi-

cient ability, the party injured shall demand satisfaction of him or her, and if he or she neglect or refuse to kill such dog, and to make such satisfaction, the party injured shall get the value of the sheep or damages certified as aforesaid, and may thereupon recover the same, with costs of suit, of the owner or possessor of any such dog, without proving notice to such owner or possessor or knowledge by him, that such dog was mischievous and disposed to kill sheep, before any justice of the peace of the said counties respectively, or other court having cognizance thereof, in which case the owner of such sheep shall have no claim upon the supervisors aforesaid: *And provided*, That whenever the owner of such sheep shall have received compensation for such injury from the supervisor, and shall subsequently recover against the owner or possessor of such dog, for such injury, he shall refund and repay the amount so received by him, to the said supervisors; and in case of neglect so to do, such supervisor, or his successor, may maintain an action for the money thereof, with costs of suit.

Dogs may be killed if tax is not paid

7. *And be it further enacted*, That if any person shall refuse or neglect to pay the tax, by this act imposed, for thirty days after demand thereof, it shall be lawful for any person to kill any dog for which such tax shall not have been paid.

CHAP. 162.

AN ACT *relative to the Gospel and School Lot and the Literature Lot in the Town of Owego in the County of Tioga.*

Passed April 12, 1826.

Commissioners

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James Pumpelly, William Camp and John H. Avery of the town of Owego, in the county of Tioga shall be, and they are hereby appointed commissioners to take charge of the gospel and school lot in the said town until others shall be chosen in their places by the freeholders and inhabitants of the said town, and it shall be lawful for the said commissioners, together with the supervisor of the said town to sell and dispose of the said lot and apply the proceeds thereof to such school or literary purposes as shall be directed by a vote of the inhabitants of the said town in legal town-meeting assembled.

Duty of supervisors and commissioners

2. *And be it further enacted*, That it shall and may be lawful for the supervisor and commissioners aforesaid of the said town to take possession of the literature lot in the said town for the benefit of the people of this state, and to institute such suits as may be necessary to obtain the possession thereof, or for the recovery of damages for any trespasses that heretofore have been or hereafter shall be committed thereon, which suits may be brought in the name of the people of this state: *Provided*, That the expense of such suit shall be discharged by the said supervisor and commissioners, and shall not in any event be chargeable to the people of this state, and any damages recovered in such suit shall be applied to the common school fund of the said town.

Proviso

CHAP. 163.

AN ACT *to appoint Commissioners to lay out or alter a Road between Canandaigua in the County of Ontario, and Palmyra in the County of Wayne.*

Passed April 13, 1826.

Commissioners

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nathan Barlow of Canandaigua, Stimson Harvey of Farmington, and Thomas Rogers of Palmyra, or any two of them be, and they are hereby appointed commissioners to lay out a public highway between Main-street in the village of Canandaigua and Palmyra aforesaid, by the shortest and most direct route.

To take an oath

2. *And be it further enacted*, That the said commissioners, before they enter upon the duties aforesaid, shall take an oath before a justice of the peace of the county of Ontario or Wayne, to honestly and faithfully discharge the duties assigned to them, without favor or partiality; and they shall, after locating said road, cause to be

Survey

made an accurate survey of so much of said road as lies within each town through which said road shall be laid out, and file the same in the clerk's office of such towns respectively; and it shall be and is hereby made the duty of the commissioners of highways in each of the towns through which said road shall be laid out as aforesaid, as soon as may be after the survey is filed, to cause to be opened and worked so much of the said road as may be within their respective towns, in the same manner and subject to the same regulations as other highways are improved, and the damages if any, shall be levied and collected in the same manner as if the road had been laid out by the commissioners of the respective towns.

Their pay

3. *And be it further enacted*, That the said commissioners shall receive two dollars each per day for every day necessarily spent in exploring and laying out said road, which, together with the actual expense of surveying, shall be levied and collected in the several towns in the same manner as other town charges are levied, collected and paid, in proportion to the time spent in each of the said towns respectively, to be certified by the acting commissioners to the several boards of supervisors of the counties in which said towns are situated.

CHAP. 164.

AN ACT *to incorporate the Rye Academy in the County of Westchester.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nehemiah Brown, William Bush, Nehemiah Brown junior, Henry Belden, Elisha R. Belcher, James Wilson, Henry L. Penfield and Philemon Halstead, together

with all other persons who now are or hereafter may become stockholders in the Rye Academy shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and name, under the style of "The Rye Academy," and by that name or style they and their successors forever hereafter shall and may have succession, and by said name shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and causes whatsoever, and they and their successors may have one common seal, and change or alter the same at pleasure, and they and their successors by the aforesaid style or name, shall be forever capable and have full power to purchase, receive, hold, occupy, possess and enjoy real and personal estate, for the benefit of said corporation, and also to sell and convey any or all of such property or possession as may from time to time be directed by the stockholders at their annual meeting convened. Style and general powers

2. *And be it further enacted*, That this body corporate shall consist of such persons as shall subscribe for the stock of said Rye Academy, which stock shall not exceed five thousand dollars, and shall be divided into shares of ten dollars each, and no person shall subscribe for less than one share, and every share shall entitle the owner thereof to one vote and no more. Stock

3. *And be it further enacted*, That said Academy shall be under the direction of three trustees elected annually by the stockholders from their body by a majority of votes, on the second Monday in December, who shall hold their office for one year, and until others are elected in their place, and no person can be a trustee who is not a stockholder of said Academy; the first trustees shall be Elisha R. Belcher, Philemon Halstead and James Wilson, who shall hold their office until the second Monday in December, one thousand eight hundred and twenty-six, and until others are elected in their place; that a majority of said trustees shall form a board for the transaction of all business, shall have power to employ a teacher or teachers, and also to discharge him or them at their discretion. Trustees

4. *And be it further enacted*, That in case it should at any time happen that an election of trustees should not be made on the day when pursuant to this act it should or ought to have been made, that said corporation for that cause shall not be deemed to be dissolved, but that it shall and may be lawful on any other day to make an election of trustees in such manner as shall have been regulated by the by-laws and ordinances of said corporation. Election

5. *And be it further enacted*, That the stockholders by a majority of their votes at the annual meeting, or any other meeting for that purpose, (of which due notice shall be given in writing to each of them by the trustees of said academy) may pass such by-laws, rules and regulations as they shall deem proper: *Provided* they are not incompatible with the laws of this state or the United States. By-laws

6. *And be it further enacted*, That the legislature may at any time hereafter alter, modify or repeal this act. Right to repeal

CHAP. 165.

AN ACT *to incorporate the Union Literary Society of Ellisburgh.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That Jotham Bigalow, Orin Howard, Thomas W. Kennedy, John Hagedorn, Amos Heald, Peter N. Cushman, Wesson Thomas, Pardon Earl, Samuel S. Haws, Edward Booneer, Sidney Houghton, Benjamin Barney, Samuel Boyden, Ebenezer Webster, Israel Kellogg junior, Jesse Hubbard, Hiram Taylor, Henry Green, Rufus Hatch, Charles B. Pond, Calvin Clark, John Barney, first, Samuel Peirce and Godfrey W. Barney, and all such persons as shall hereafter associate with them, shall be, and are hereby constituted and declared to be a body corporate and politic, in fact and in name, by the name of "Union Literary Society in Ellisburgh," and they shall have perpetual succession, and by that name shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, bills, matters and causes whatsoever, and that they may have and use a common seal, and may change and alter the same at pleasure, and by their corporate name and in their corporate capacity, they may purchase, hold, enjoy, sell, lease and convey any estate, real or personal, for the use and benefit of said corporation: *Provided always,* That the yearly income of such estate shall not exceed the sum of five thousand dollars.

Style and general powers

Proviso

Trustees

2. *And be it further enacted,* That there shall be not less than twenty-four, nor more than thirty trustees, who shall conduct and manage the affairs of said corporation, and that said trustees shall be members of said corporation, and shall be elected annually, and shall hold their offices for the term of one year, or until others are chosen in their stead.

General meeting

3. *And be it further enacted,* That on the first Wednesday of November in each and every year there shall be a general meeting of the members of the said corporation, at some convenient place in or near the academy, in the town of Ellisburgh, to be designated by the said corporation, at least two weeks previously to their annual meeting, and at such general meeting the members of the said corporation so convened as aforesaid, shall by ballot and by plurality of votes, choose such number of trustees as they may have deemed necessary for the ensuing year, and that no person shall be entitled to vote at any such election, or for any other purpose be considered a member of said corporation, unless he shall have paid to the treasurer, or some other responsible person, for the use of the said corporation, the sum of five dollars, and that in all elections of trustees, the members of said corporation shall be entitled to one vote only; that the first general meeting of the said corporation for the choice of trustees shall be held in the hall of the academy in Ellisburgh on the first Wednesday of November next.

Election

President secretary and treasurer

4. *And be it further enacted,* That the said trustees so chosen as aforesaid, shall within six days after their election, choose out of their

number a president, secretary and treasurer, who shall respectively hold their offices for the term of one year, and until others shall be chosen in their stead; the said trustees shall have power to fill all vacancies which may happen in the said board of trustees until the next annual election; to make by-laws for the regulation and government of the said corporation; to manage and conduct the affairs of the said corporation, and for that purpose to take charge of, keep, use and dispose of all the property and funds belonging to said corporation, and to employ, pay and dismiss such instructors, agents and servants, as may be necessary in the management and conduct of the affairs and business of said incorporation: *Provided however*, That the said trustees shall receive no compensation for their services. Proviso

5. *And be it further enacted*, That the said corporation shall not engage in any other business than that of encouraging and promoting education, and the proceeds of all the funds shall be appropriated to that object and no other, and that the legislature may at any time amend, alter or repeal this act. Education to be the sole object of the company

CHAP. 166.

AN ACT *to amend an act entitled "An Act relative to improvements in the city of New-York.*

Passed April 13, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Tompkins-street, along the East river, as laid out and approved by the mayor, aldermen and commonalty of the city of New-York, shall be the permanent exterior street on the East river, between Rivington-street and Twenty-Third-street, and East-street on the said river, between Grand-street and Rivington-street, as laid out and approved as aforesaid, shall be the permanent exterior street, as so laid out and approved; and that all grants made or to be made by the said mayor, aldermen and commonalty, shall be construed as rightfully made to extend thereto; and that all the provisions of the act entitled "An act to reduce several laws relating particularly to the city of New-York, into one act," passed April 9, 1813, and the several acts amendatory thereof, and in addition thereto, shall be construed to apply to said Tompkins-street and East-street. Permanent exterior street along the East river

2. *And be it further enacted*, That the second section of the act of the twenty-fifth February, one thousand eight hundred and twenty-six, hereby amended, be, and the same is hereby repealed.

CHAP. 167.

AN ACT *to incorporate the Canajoharie Academy.*

Passed April 13, 1826.

WHEREAS James German, Herman J. Ehle, Martin Roof, Nicholas N. Van Alstine, Henry Lieber, Henry Loucks, Henry F. Cox, Preamble

and their associates have erected by voluntary subscription, a commodious building in the village of Canajoharie, in the county of Montgomery, for the purposes of an Academy, and petitioned for an act of incorporation: Therefore,

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James German, Herman J. Ehle, Martin Roof, Nicholas N. Van Alstine, Henry Lieber, Henry Loucks, Henry F. Cox and John Attwater, and all such other persons as now are or shall hereafter become members of said association, shall be and hereby are constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Canajoharie Academy," and by that name they and their successors for ever hereafter, shall and may have succession, and by that name shall and may be persons in law, capable to sue and be sued, plead and be impleaded, answer and being answered unto, defend and be defended in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatsoever, to the use of them and their successors; and to lease, sell, convey or otherwise dispose of the same at their will and pleasure, and as to them shall appear most advantageous for promoting the purposes of this incorporation; hereby confirming all grants or gifts heretofore made to the use of said association by any person or persons whatsoever: *Provided always*, That the yearly income of such real and personal estate shall not at any time exceed the sum of five thousand dollars.

Style and general powers

Proviso

Trustees

2. *And be it further enacted*, That there shall be forever hereafter fifteen trustees of the said corporation, who shall conduct and manage all the affairs thereof; and that the first trustees of said corporation shall be James German, Herman J. Ehle, Henry Loucks, Jacob Hees, George G. Johnson, George Spencer, Samuel Caldwell, Martin Roof, Henry Lieber, Henry Markell, Joshua Webster, Seth Wetmore, Lebbeus Doty, Phineas Randall, John R. Van Everea, Henry F. Cox and John Atwater, who shall hold their offices until the fourth Tuesday in April, eighteen hundred and twenty-seven, and until others shall be chosen.

General meeting

3. *And be it further enacted*, That on the fourth Tuesday in April, eighteen hundred and twenty-seven, and yearly every year thereafter, on the fourth Tuesday in April, there shall be a general meeting of the members of said corporation, at some convenient place in the village of Canajoharie, to be fixed on by the by-laws of said corporation; and a majority of the members who shall so meet, shall elect by ballot seventeen trustees of said corporation for the year then next ensuing; and the said trustees shall have power to choose out of their own number a president, a treasurer and a secretary, who shall immediately enter upon the duties of their respective offices, and hold the same from the time of such election, for and during the space of one year, and until others are elected in their stead: James German shall be the first president, Martin Roof the first treasurer, and Samuel Caldwell the first secretary of said corporation; and in case any of the trustees shall die, resign, refuse or neglect to act, then and in every such case, the remaining trustees shall and may, within thirty days thereafter, elect by ballot

Election

Officers

other trustees in their stead, who shall hold their offices from the time of their election until the fourth Tuesday in April then next ensuing, and until others shall be chosen in their stead: *And provided always*, That the said trustees at any of their meetings, shall have full power, and it shall be in their discretion to elect and appoint out of the members of said coaporation, an additional number of trustees not exceeding five.

By laws

4. *And be it further enacted*, That the trustees of said corporation may make all such by-laws, rules and regulations, and repeal, alter and amend the same from time to time, for the government of said corporation and its affairs, and for the management and disposition of the property and estate of said corporation, as they may deem expedient and most beneficial for the interest of the institution, and for the government and discipline of said academy, the course of studies to be pursued, the number of students, the terms and ages at which students will and may be received, the terms and conditions on which they will be dismissed or expelled; and for conducting all the concerns of the institution in order to carry into effect the objects of the corporation in the most advantageous and useful manner; and that said trustees shall have the power to call a general meeting of the members of the corporation in cases of extraordinary emergencies, who may adjourn from time to time; and that five of said trustees shall be a quorum for the transaction of ordinary business.

Instructors

5. *And be it further enacted*, That said trustees shall and may nominate and appoint instructors to take charge of the academy, under the care, superintendance and direction of said trustees; and also all such other officers and servants as they may think necessary; and allow and fix their respective compensations, and such instructors, officers and servants or any of them at their pleasure, dismiss and discharge, and appoint others in their stead; and may prescribe and regulate their number, style or names of office, and their respective duties, and all other matters relating to said officers, touching the welfare of said institution.

Members

6. *And be it further enacted*, That any person who has heretofore contributed to any amount, or who shall hereafter contribute to the benefit of said corporation any sum not less than five dollars, shall be a member thereof, and be entitled to the privileges granted to members thereof by this act; and none others but such contributors to said institution, shall be deemed members thereof.

Election on any day

7. *And be it further enacted*, That in case it should at any time happen that an election of trustees should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election for trustees in such manner as shall be provided by the by-laws of said corporation.

A public act

8. *And be it further enacted*, That this act shall be and hereby is declared to be a public act, and shall be construed beningnly and favourably for every beneficial purpose hereby intended; nor shall any non-user of the privileges hereby granted to said corporation, create and produce any forfeiture, and no misnomer of said corporation in any deed, grant, gift, demise, will or testament, or other instrument, contract or conveyance shall defeat or vitiate the same, if

the corporation be sufficiently described to ascertain the intention of the parties.

May be repealed

9. *And be it further enacted*, That the legislature may at any time alter, modify or repeal this act.

CHAP. 168.

AN ACT *to incorporate the Rensselaer Oswego Academy.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Chester Hayden, David R. Dixon, George B. Davis, Nathaniel Butler and Moses P. Hatch, and their present and future associates, shall be and hereby are ordained, constituted and declared a body corporate and politic, by the name of "The Rensselaer Oswego Academy;" and by that name they and their successors forever hereafter shall and may have succession, and by that name shall be capable to sue and be sued, plead and be impleaded, defend and be defended, in all courts and places whatsoever, in all manner of actions and causes whatsoever, and may have a common seal, and may change the same at their pleasure; and they and their successors by that name shall be capable in law to purchase, take and hold any estate, real and personal, whatsoever, to the use of them and their successors, not exceeding in annual value ten thousand dollars; and they and their successors shall have power to lease such real estate and hereditaments on such terms as they shall deem most beneficial, and also to sell and dispose of all such persoual estate, as shall appear to them most advantageos for promoting the purposes of the said institution.

Style, &c

Trustees

2. *And be it further enacted*, That that there shall be eighteen trustees who shall manage the affairs of said corporation, all of whom shall be members thereof; and the first trustees shall be Chester Hayden, Nathaniel Butler, Moses P. Hatch, Peter Pratt, David R. Dixon, Seth Severance, James Abel, Orris Hart, Hastings Curtiss, William Williams, Oliver Ayer, John A. Pain, Henry Williams, Elias Brewster, George B. Davis, Samuel Emery, Mason W. Southworth and Avery Skinner, who shall hold their offices until the second Wednesday of May, in the year eighteen hundred and twenty-seven.

General meeting

3. *And be it further enacted*, That on the second Wednesday in May, eighteen hundred and twenty-seven, and on the second Wednesday in May in every year thereafter, there shall be a general meeting of the members of the said corporation, at some convenient place in the said town of Mexico, to be annually fixed on by the by-laws of the said corporation, for the year next ensuing, and a majority of such of them as shall so meet shall, by ballot, elect eighteen of their members to be trustees of the corporation for the current year; and every member shall be entitled to one vote for each share of five dollars he may own, but no member shall be entitled to more than ten votes for said trustees and for their officers; and the said trustees shall have power to choose from their number a president, a treasurer and a secretary, who shall respectively hold their offices for one year, and until others shall be elected in their stead; and

Elias Brewster shall be the first president, and Avery Skinner, secretary, and Peter Pratt, treasurer, and shall hold their said offices until the second Wednesday in May, eighteen hundred and twenty-seven; and in case any of the persons so elected trustees or officers of said corporation shall die, remove or resign before their term of service expires, or shall refuse or unreasonably neglect to act in or execute the said offices, then the remaining trustees shall, within thirty days thereafter, elect another member or other members of said corporation in the stead of him or them so dying, removing, resigning, refusing or unreasonably neglecting to act, and such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the second Wednesday of May then next ensuing, and until another or others shall be chosen in his or their stead; and the said trustees shall have full power, at their discretion, to elect and appoint from the members of the corporation an additional number of trustees, not exceeding five. Officers

4. *And be it further enacted*, That the trustees of the said corporation may make all such by-laws, rules and regulations for the government of the said corporation and its affairs, and for the management and disposal of its property and estate, as they may deem best to attain the objects of said corporation, and to alter or repeal the same, or any of them, from time to time, as a majority of the said trustees may think fit; and they shall have authority to call a general meeting of the members of the corporation whenever necessary, who may adjourn from time to time as to them shall seem proper. By laws

5. *And be it further enacted*, That the said trustees, at any regular meeting, may appoint one or more instructors to take charge of the said academy, under their care and direction, and also to appoint such other officers or servants, and to allow and fix their respective compensations, and to dismiss such instructor or instructors, officers and servants, or any of them, at pleasure, and to appoint others in their stead. Instructors

6. *And be it further enacted*, That any person who has contributed, or shall hereafter contribute to the funds of the said institution, any sum not less than five dollars, shall be entitled to the privileges granted to the members thereof by this act, and none others but such as shall contribute to the funds of the said incorporation shall be members thereof. Members

7. *And be it further enacted*, That no nonuser of the privileges hereby granted shall work a forfeiture of this charter, and no misnomer of the said corporation in any deed, will, testament, grant, gift, devise or other instrument, contract or conveyance, shall defeat or vitiate the same, if the said corporation be sufficiently described to ascertain the parties: And this act shall be and is hereby declared a public act, and shall be construed benignly and favorably in all courts and places whatsoever. Public act

8. *And be it further enacted*, That the legislature may, at any time or times hereafter, alter, modify or repeal this act. Legislature may repeal

CHAP. 169.

AN ACT *authorising an additional Term, and altering the Times of holding the Terms of the Courts of Common Pleas and General Sessions of the Peace in the County of Oneida.*

Passed April 13, 1826.

Terms

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, the court of common pleas and general sessions of the peace in and for the county of Oneida, shall be holden at the several times and places hereafter mentioned, to wit: at the court-house in the town of Whitestown, on the second Mondays of March and September; at the court-house in the town of Rome, on the second Mondays of June and December, in each and every year.

Writs

2. *And be it further enacted*, That all writs, processes, notices and recognizances in the said courts of common pleas and general sessions of the peace of the said county of Oneida, made returnable on the last Tuesday of May, one thousand eight hundred and twenty-six, as said May term was heretofore to be held by law, shall be considered as returnable on the second Monday of June, one thousand eight hundred and twenty-six, agreeably to the alterations of the terms of said courts by this act; and that all adjournments, appearances, continuances, rules and notices of any proceedings in the said courts respectively, shall be held and taken to be made to the said first Monday of June, one thousand eight hundred and twenty-six, agreeably to the alterations of this act.

Other acts repealed

3. *And be it further enacted*, That all other acts regulating the time of holding the terms of the courts of common pleas and general sessions of the peace in and for the county of Oneida, be and the same are hereby repealed.

CHAP. 170.

AN ACT *to incorporate the Buffalo and Hamburgh Turnpike Company.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Abner Wilson, Samuel Abbot, David M. Day and Nathaniel Swift, and all such others as shall associate for the purpose of making a good and sufficient turnpike road from the village of Buffalo through the Indian reservation to Lewis Arnold's corners in the town of Hamburgh, by the most eligible route, and they are hereby constituted and declared a body politic and corporate, in fact and in name, by the name of "The Buffalo and Hamburgh Turnpike Company," and by that name they and their successors shall and may have continual succession, and are hereby declared capable in law of suing and being sued, answering and being answered unto, impleading and being impleaded, de

Style &c

fending and being defended in all courts and places whatsoever, and also may make and use a common seal, and may alter the same at pleasure, and also they are hereby made capable in law of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever. Proviso

2. *And be it further enacted*, That the stock of the said company shall not exceed eight hundred shares, at twenty dollars each, and that Abner Wilson, Samuel Abbot, David M. Day and Nathaniel Swift be, and are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed by the act entitled "an act relative to turnpike companies," passed March thirteenth, eighteen hundred and seven. Stock

3. *And be it further enacted*, That the company hereby incorporated, shall be entitled to exact and receive at each of the gates to be erected on the said road, from all persons passing the same, the following rates of toll: for every cart or wagon drawn by two horses, mules or oxen, twelve and an half cents; for every additional horse, mule or ox attached to such cart or wagon, three cents; for every cart or wagon drawn by one horse, nine cents, and for every additional horse, mule or ox attached to such wagon three cents; for every horse and rider, four cents, and for every horse led or driven, three cents; for every stage, wagon, chariot, coach or coachee, phæton, curricle or other pleasure carriage drawn by two horses, twenty-five cents; and for every additional horse attached to such carriage, three cents; for every chaise, chair, sulkey or other pleasure carriage drawn by one horse, twelve and an half cents; and for every additional horse three cents; for every sled or sleigh drawn by two horses, oxen or mules, six cents; and for every additional ox, mule or horse, two cents; for every sled or sleigh drawn by one horse or mule, four cents; for every score of cattle, horses or mules, twenty cents; and for every score of hogs or sheep, twelve cents; and so in proportion for a greater or less number. Rates of toll

4. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated, to erect on the said turnpike road one full toll gate and no more, and shall have all the rights and privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in said act. Gates

5. *And be it further enacted*, That the legislature may at any time alter, modify or repeal this act. Right to repeal

CHAP. 171.

AN ACT *to incorporate the Flushing and Huntington Northern Turnpike Company.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Nathaniel Potter, Lewis S. Hewlett, Divine Hewlett, James Hagerman, John H. Jones, Singleton Mitchell, Robert B. Van Zandt, and all such others as shall associate with them, to make a good and sufficient turnpike road from Flushing; thence easterly across Little Neck, Great Neck, Cow Neck, through Hempsted Harbour, Cedar Swamp, Wolver Hollow, Norwich, Cold Spring to Huntington, with the privilege of extending it to Smithtown, shall be, and are hereby created a body corporate and politic, in fact and in name, by the name and style of

Style, &c.

the President, Directors and Company of the Flushing and Huntington Northern Turnpike Road, and by that name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, That such estate so to be purchased and held, shall be necessary to fulfil the objects of the said corporation, and to no other purpose whatsoever.

Width of the road

2. *And be it further enacted*, That the road to be made by virtue of this act, shall not be less than three rods wide excepting across the Salt Meadows, at the head of Little Neck Bay, where it shall not be less than two rods wide, and that the arch or bed of the said road shall not be less than thirty feet wide, excepting where the said road shall cross any mill-dam, in which case the top of the said road shall not be less than twenty-two feet wide.

Commissioners

3. *And be it further enacted*, That the before mentioned Nathaniel Potter, Lewis S. Hewlett, Divine Hewlett, James Hagerman, John H. Jones, Singleton Mitchell and Robert B. Van Zandt, or a majority of them, are hereby appointed commissioners to lay out the road directed in and by this act, subject to the directions, regulations and restrictions in all respects as are prescribed in and by the act entitled "an act relative to turnpike companies," passed March 13, 1807, and execute and perform all the duties, matters and things therein mentioned as fully as if the above named commissioners had been appointed in the manner directed in and by the act herein before referred to.

Stock

4. *And be it further enacted*, That the capital stock of the said company shall consist of two thousand shares of ten dollars each, and that Nathaniel Potter, Lewis S. Hewlett, Divine Hewlett, James Hagerman, John H. Jones, Singleton Mitchell and Robert B. Van Zandt, shall be and are hereby appointed commissioners to receive subscriptions for the said stock in the manner directed in and by the

act entitled "an act relative to turnpike companies," herein before referred to.

Appraisers

5. *And be it further enacted*, That Richard Cornell, Henry Fleet and John J. Schenck, shall be, and are hereby appointed appraisers to estimate and assess the damages which may be sustained by the owner or owners of the land which the said company may deem necessary to take and appropriate for the said road, and if in the opinion of the said appraisers, such owner or owners of the land, through which the said road shall pass, may be benefitted by the making of the said road, then and in such case the amount of such benefits shall be deducted from the amount of damages, and the balance shall be the actual damage: *Provided always*, That the president and directors of the said company, may contract and agree with the owner or owners of the said land for the purchase of so much thereof as shall be necessary for making the said road, and for the accommodation of gates and toll houses, and all other works to the said road belonging: *And provided further*, That if a vacancy should occur by the death, resignation or otherwise of either or any of the said appraisers, it shall be the duty of the two remaining appraisers to choose a suitable person to fill such vacancy.

Proviso

Rates of toll

6. *And be it further enacted*, That the company hereby incorporated shall be entitled to exact and receive from any person or persons using the said road, the following rates of toll, that is to say, for every horse or mule and rider, half a cent per mile; for every chair, chaise, gig, sulkey or pleasure waggon drawn by one horse, one cent per mile; for every pleasure coach, coachee, chariot, phaeton or curricle drawn by two horses, once cent and an half per mile; for every cart, stage, waggon, or other four wheeled carriage not before mentioned, drawn by two horses, mules or oxen, three fourths of a cent per mile; for every cart, waggon, sleigh or sled drawn by one horse or mule, half a cent per mile; for every cart, waggon, sleigh or sled drawn by two horses, mules or oxen, three fourths of a cent per mile; for every additional or led horse, half a cent per mile: *And further*, That every drove of hogs, sheep, horses, mules or cattle shall pass the said road free of toll.

Penalties

7. *And be it further enacted*, That if any person or persons, shall pass either of the gates on the said road without paying toll, upon pretence of being exempted therefrom, every person or persons so offending, shall for every such offence, forfeit and pay to the aforesaid company ten dollars, to be recovered in an action of debt by the treasurer of the said company, in his own name, in any court having cognizance thereof: and if any person or persons, who shall pass either, or any of said gates, shall refuse to inform the collector or collectors of toll of the distance he or she has travelled or intends to travel on the said road, or shall wilfully make a wrong statement thereof, in order to avoid paying the just toll, such person or persons shall for every such offence, forfeit and pay to the said company the sum of five dollars, to be recovered in the manner aforesaid: *Provided*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate on the said road, of or from any person passing to or from public worship on Sunday, or from any person attending a funeral, or from any person or persons going to or returning from any military training, where by the laws of this state they are required to attend: *And provided*

further, That the number of toll gates to be erected on the said road, shall not exceed three.

Gates

8. *And be it further enacted*, That as soon as the said president and directors shall have completed the said road, or any eight miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the government of this state for the time being, who shall thereupon nominate and appoint three discreet freeholders, not interested in any turnpike road, to view the same, and report to him in writing whether such part of the said road is completed in a workman-like manner, and if the report shall be in the affirmative, then it shall be the duty of the person administering the government of this state to permit the said president and directors, by a licence under his hand and the privy seal of this state, to make and erect a gate over any part of the said road so finished as aforesaid, as will be necessary and sufficient to collect the tolls as aforesaid, from all persons travelling or using the same: *Provided nevertheless*, That no gate shall be erected on the

Proviso

said road within five miles of the village of Flushing: *And provided further*, That if the said corporation shall not commence their operations within two years, and shall not within four years after the passing of this act, complete the same according to the true intent and meaning of this act, then and in either case this act shall cease, be void and of no effect.

Privileges

9. *And be it further enacted*, That the company hereby incorporated, shall have and enjoy all the rights and privileges which are given in and by the before recited act, and shall be subject to all the conditions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act.

May be repealed

10. *And be it further enacted*, That it shall and may be lawful for the legislature, at any time hereafter, to repeal, alter or modify this act.

CHAP. 172.

AN ACT *to incorporate the Ovid Academy, and for other purposes.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig, John P. Nevius, Thomas Loundsbury, John Maynard, Andrew Dunlap, Rynear Covert, Jonas Seeley, Anthony D. Schuyler, Jonathan Thomas and John L. Eastman, and all such other persons as now are, or shall hereafter become members of the said society, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Ovid

Style, &c

Academy;" and by that name they and their successors forever hereafter shall and may have succession, and by that name shall and may be persons in law capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts

and places whatsoever, in all manner of actions, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by their names, shall be forever capable in law to purchase, take, receive, hold and enjoy any estate, real and personal, whatsoever, to the use of them and their successors, hereby confirming all grants heretofore made to the use of the said society by any person or persons whatsoever: *Provided always*, That the yearly income of the real and personal estate and hereditaments held by the said corporation do not or shall not at any time exceed the sum of one thousand dollars; and that they and their successors shall have full power to lease such real estate and hereditaments on such terms as they shall deem most beneficial, and also to dispose of all such personal estate at their will and pleasure, as shall appear to them most advantageous for promoting the purposes of the said institution: *And provided*, That the legislature may at any time repeal or alter this act. Proviso

2. *And be it further enacted*, That there shall be forever hereafter fourteen trustees of the said corporation, who shall conduct and manage all the affairs thereof, and that the said trustees shall be members of the said corporation; and the first trustees of the said corporation shall be Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig, John P. Nevius, Thomas Loundsbury, John Maynard, Anthony D. Schuyler, Jonathan Thomas, John L. Eastman, Andrew Dunlap, Rynear Covert and Jonas Seely, who shall hold their offices until the first Tuesday of May, in the year one thousand eight hundred and twenty-seven. Trustees

3. *And be it further enacted*, That on the first Tuesday of May, one thousand eight hundred and twenty-seven, and yearly every year thereafter on the first Tuesday of May, there shall be a general meeting of the members of the said corporation, at some convenient place in the village of Ovid, to be fixed on by the by-laws of the said corporation for the year next ensuing; and by a majority of such of them as shall so meet, they shall, by ballot, elect fourteen of their members to be trustees of said corporation for the year next ensuing; that each member shall be entitled to a vote for every share of five dollars, but that no member shall be entitled to more than five votes for said trustees and for their officers; and the said trustees shall have power to choose out of their number a president, a treasurer and a secretary, who shall immediately enter on the duties of their respective offices, and hold the same from the time of such election for and during the space of one year, and until others shall be elected in their stead; Tompkins C. Delavan shall be the first president, and Seba Murphy treasurer of the said corporation, and Alvah Gregory secretary, to hold their said offices until the first Tuesday in May, one thousand eight hundred and twenty-seven; and in case any of the persons so elected to be trustees of the said corporation shall die or resign before the time of their appointed service expires, or shall refuse or neglect to act in or execute the said offices, then and in every such case the remaining trustees of the said corporation shall, within thirty days thereafter, by ballot, elect other or others of the members of the said corporation instead of him or them so dying, resigning or neglecting to act, and that such General meeting Officers

person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the first Tuesday of May then next ensuing, and until other or others shall be chosen in their stead: *And provided always*, That the said trustees shall have full power, and it shall be in their discretion, to elect and appoint out of the members of said corporation an additional number of trustees, not exceeding fifteen, at any of their meetings.

Proviso

By-laws

4. *And be it further enacted*, That the trustees of the said corporation may make all such by-laws, rules and regulations for the government of the said corporation and its affairs, and for the management and disposal of the property and estate of the said corporation, as they may deem requisite to promote the designs and intent of establishing this corporation, and the same or any part of them to alter, amend or repeal from time to time, as they or a major part of them may think fit; and shall have power, whenever they may judge it necessary, to call a general meeting of the members of the said corporation, who may adjourn from time to time as to them shall seem proper.

Instructors

5. *And be it further enacted*, That the said trustees, at any regular meeting, shall and may nominate and appoint one or more instructors to take charge of the said academy, under the care and direction of the said corporation, and also appoint such other officers or servants as they may think proper, and to allow and fix their respective compensations, and such teacher, officer or servants, or any of them, at their pleasure to dismiss and discharge, and another or others to appoint in their stead.

Members

6. *And be it further enacted*, That any person who has contributed, or who shall hereafter contribute to the benefit of the said institution any sum not less than five dollars, shall be a member thereof, and be entitled to the privileges granted to the members thereof by this act, and none others but contributors to the said institution shall be deemed members thereof.

Recital

And whereas by an act in addition to the act, entitled "An act authorising the sale of lands appropriated for the promotion of literature, and for other purposes," passed April twenty-first, eighteen hundred and twenty five, the treasurer of the counties of Seneca and Tompkins were authorised to sell lot number twenty-four, in the town of Ulysses, in the manner in the said act set forth, the one equal half of the purchase monies and proceeds thereof was by said act ordered to be secured to the trustees of Ithaca academy, the other half was ordered to be secured to the treasurer of the county of Seneca for the time being, to be kept and preserved for the benefit of such academy in the county of Seneca as the legislature should thereafter direct: Therefore,

One half of avails of lot 24 in Ulysses to be applied to this academy

7. *Be it further enacted*, That the one equal half of the purchase money or proceeds on the sale of lot number twenty-four in the town of Ulysses, reserved for an academy in the county of Seneca, be and the same is hereby granted to the trustees of Ovid academy, as their absolute property, and that the treasurer of Seneca county for the time being shall pay over to the said trustees, on demand, all the monies or proceeds of the sale or sales of said lot which is now, or hereafter may come in his hands, or from any part thereof, or from the rents of said lot, or for interest of such monies; the other

part of the consideration money which is required to be secured to him in the said act from the sale of such part of said lot which remains unsold shall, when sold, be secured to the said trustees of Ovid academy, by bond and mortgage on the part of said lot so sold, with the interest to be paid annually; and in case the whole or any part of said lot should be already sold, and the proceeds of such sale or sales should be already secured in the manner directed in and by the said act, that then and in that case the treasurer of the county of Seneca for the time being shall assign such securities to the said trustees of Ovid academy, any thing in said act to the contrary notwithstanding: *Provided always*, That it shall not be lawful for the trustees of Ovid academy, at any time or in any manner, to reduce or diminish the sums in and by this act granted to them, but they may, from time to time, invest on loan or loans the said sums of money in bond and mortgages upon real estate worth double the amount so loaned, exclusive of buildings, which bonds and mortgages shall secure the payment of the interest semi-annually or annually, and the interest arising from the same shall be invariably applied by the said trustees to the payment of a salary to a teacher or teachers in the said academy, and to no other purpose whatever. Proviso

And whereas the funds of Ovid academy were secured and made payable to Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig and John P. Nevius, to enable them to purchase a site and build an academy, and furnish the same: *And whereas* the said funds remain principally in subscriptions which are not yet collected: *And whereas* the said Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig and John P. Nevius, in anticipation of these monies thus secured to them, have purchased a lot and built an academy thereon, which is nearly completed, and have partly finished the same with their own individual money, and on their own personal responsibility: Therefore, Recital

8. *Be it further enacted*, That all the monies secured by subscription or otherwise to the said Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig and John P. Nevius, for the purposes aforesaid, shall and may remain under their exclusive control, and that they and their successors shall and may collect the same, and apply the monies so collected to the reimbursing themselves all the monies they may have laid out and expended, or may lay out or expend, or shall or may have become liable for in and about the purchase of said lot, and for building an academy and furnishing the same, any thing in this act herein before contained to the contrary notwithstanding: *Provided always*, That the said Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig and John P. Nevius, shall account to the trustees of the said corporation for all the monies they have or shall receive for the purposes aforesaid, and after reimbursing themselves for all the labor, monies and expenses paid, laid out and expended in and about the purchasing said lot, and building and furnishing said academy as aforesaid, that then the said Tompkins C. Delavan, William C. Van Horn, Alvah Gregory, Seba Murphy, Peter Doig and John P. Nevius, and the survivors of them, shall pay over the residue of such monies so collected to the said trustees of the said corporation, and shall convey and transfer to the said trustees all T C Delavan and others to have control of funds

Proviso

the personal and real property which are held by them for the said Ovid Academy.

Public act

9. *And be it further enacted*, That this act shall be and is hereby declared a public act, and shall be construed benignly and favorably for every beneficial purpose herein intended; nor shall any nonuser of the privileges granted hereby to the said corporation create or produce any forfeiture of the same, and no misnomer of the said corporation in any deed, will or testament, grant, gift, devise or other instrument, contract or conveyances, shall defeat or vitiate the same: *Provided*, The corporation be sufficiently described to ascertain the parties.

Proviso

CHAP. 173.

AN ACT *to incorporate the North American Insurance Company.*

Passed April 13, 1826.

Preamble

WHEREAS Peter Stagg, Charles Town and Oliver H. Hicks and others, associated as a company, under the style of "The North American Insurance Company," by their petition presented to the legislature of this state, have prayed for the privilege of being incorporated to enable them the better to carry on and extend the business of marine insurance: Therefore,

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as shall be stockholders of the said company shall be, and they are hereby declared to be from time to time a body corporate and politic, in fact and in name, by the name and style of "The North American Insurance Company," and that by the said name, they and their successors shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and by the same name be capable of purchasing, holding or conveying any estate, real or personal, for the use of the said corporation, subject to the restrictions hereinafter mentioned.

Style &c

Stock

2. *And be it further enacted*, That the capital stock of the said company shall be three hundred thousand dollars, to be divided into shares of fifty dollars each.

Insurance

3. *And be it further enacted*, That the corporation hereby created shall have power and authority to make insurance upon vessels, goods, wares and merchandize, freight, bottomry, respondentia, interest, and all other marine risks, and also to lend money on bottomry and respondentia, and that they may also cause themselves to be insured against maritime risks upon the interests they may have in any vessels, goods or merchandize, in virtue of any such loans or bottomry, or respondentia, or of any policy or contract of insurance.

4. *And be it further enacted*, That the stock and affairs of the said corporation shall be managed and conducted by eleven directors, who shall be residents of this state, and shall be elected on the fourth Monday in May, in each and every year, at such time of the day and at such place in the city of New-York as the board of directors for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen to supply their places, and no longer; and notice of the time and place of such annual election shall be published daily for the space of one week next preceding the same, in at least two of the public newspapers printed in the said city, and every such election shall be held under the inspection of three or more stockholders in said company, not being directors, to be previously appointed for that purpose by the board of directors, and shall be made by ballot by a plurality of votes of the stockholders present, allowing one vote for every share which shall have stood in his, her or their names on the books of the said corporation for the period of at least ninety days before the time of voting, and stockholders not personally present, being citizens of the United States, may vote by proxy, such proxy being granted directly to the person representing them in such election; and if it should happen that two or more persons have an equal number of votes, the directors in office at the time of holding such election, shall by a plurality of votes given by ballot, determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number. Affairs, how to be managed

5. *And be it further enacted*, That Peter Stagg, Charles Town and Oliver H. Hicks shall be commissioners, whose duty it shall be, on the second Monday in May next, at some suitable place in the city of New-York, to open books to receive subscriptions to the capital stock of the said corporation, and ten days public notice shall be given by the said commissioners of the time and place of the opening of such books in two of the public newspapers printed in said city, and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders to choose eleven directors; and the said commissioners shall be inspectors of the first election of directors of the said insurance company, and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the monies and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners; and the directors so chosen at such meeting, or at such annual elections, shall as soon as may be after every election, choose out of their own body one person to be president, and one other person to be assistant president, which president, or in case of his death, resignation or absence, the assistant shall preside until the next annual election thereafter, or until another president shall be chosen; and in case of the death or resignation of president or assistant, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors, and in case of the absence of the president and assistant, the board of directors shall have power to appoint a president protempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. Subscriptions Election

Election may be made on any day

6. *And be it further enacted*, That in case it should at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the by-laws of the said corporation, not inconsistent with this act: *Provided*, That such election is made within sixty days thereafter.

Proviso

Stock transferable

7. *And be it further enacted*, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations as the board of directors shall from time to time make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid, or secured to be paid to the satisfaction of the board of directors; and unless such claim or demand shall be paid or secured to be paid in manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

By laws

8. *And be it further enacted*, That six of the directors of the said corporation shall form a board, and be competent to transact all the business of the corporation, and they shall have full power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper; touching the management and disposition of the stock, property, estate and effects of the said corporation, the transfer of shares, and touching the duties and conduct of their officers and servants, and election of directors, and all other matters whatsoever which may appertain to the business of marine insurance, and shall also have power to appoint a secretary, and so many clerks and servants for carrying on said business, and for such periods and on such terms as to them shall seem meet, and to establish and fix such salaries and allowances to them, and also to the president and assistant as to the said board shall appear proper: *Provided always*, That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of this state or of the United States, or to any provision of this act.

Proviso

Contracts

9. *And be it further enacted*, That all policies of isurance and other contracts, which are authorised by this act, which shall be made or entered into by the said corporation, may be made either under or without the seal thereof, and shall be subscribed by the president or such other officers as shall be designated for that purpose by the by-laws of said corporation, and attested by the secretary, and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the tenor, intent and meaning of this act, and of such policies and contracts; and the insured may thereupon, in case of loss arising, maintain an action on the case against such corporation, and all such policies and contracts may be so made, signed, executed and attested, and the

business of the said corporation may be otherwise conducted and carried on without the presence of a board of directors, by the president and assistant, or by either of them, or by a committee to be appointed for such purposes, and the acts of such president and assistant, or either of them, with a director, or of such committee, if done under and in conformity to the by-laws of the said corporation, shall be binding and obligatory on it to all intents and purposes.

Dividends

10. *And be it further enacted*, That it shall be the duty of the president and directors, on the first Mondays of January and July, in each and every year, to make a dividend of so much of the profits of the said corporation, as to them or a majority of them shall appear advisable; and in case of any loss or losses whereby the capital stock of the corporation shall be impaired or lessened, no subsequent dividend shall be made until a sum equal to such diminution, and arising from the profits of the said corporation, shall have been added to the capital: *And further*, That no dividend shall be made of any premium received by the said president and directors, for any contract of insurance, until the voyage or risk insured be terminated.

When to commence insuring

11. *And be it further enacted*, That before the said corporation shall assume any risk in pursuance of this act, the whole of the capital stock shall be paid in, or shall have been secured to be paid, either by the stocks of the United States or the public stocks of this state, or in the stock of any incorporated bank of this state which shall be at par in the market at the time, or by the stock of the corporation of the city of New-York, or upon bond and mortgage upon unincumbered real estate in this state, of the value of thirty-three and one third per cent. more than the amount loaned thereon, and that all funds or monies at any time under the control of the said corporation shall be loaned on the securities as above specified, nor shall any loan be made upon any other than the securities aforesaid.

As to real estate

12. *And be it further enacted*, That the said corporation shall hold no real estate, except such as may be requisite for the convenient transaction of its business, or such as may be bona fide mortgaged to the said company by way of security, or such as may be conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees, which it shall have obtained for such debts; and with regard to all such real estate as aforesaid, except such as may be necessary for its immediate accommodation, or such as shall be bona fide mortgaged as aforesaid, the said corporation shall be bound to dispose of the same respectively, within five years after the acquisition thereof, otherwise the same shall be forfeited and vested in the people of this state.

A public act

13. *And be it further enacted*, That this act shall be and is hereby declared to be a public act, and shall be construed in all courts and places benignly and favourably for every beneficial purpose herein intended: *Provided always*, That if the said corporation shall at any time during the term for which the same is hereby granted and created, wilfully neglect or refuse to pay or cause to be paid in twenty days after demand, to the person or persons duly author-

Proviso

ised by any law of this state to receive the same, any tax or taxes, assessments, charges or impositions which shall at any time hereafter be taxed, charged, imposed or assessed upon the said corporation, or upon the capital stock of the same, then and in such case it shall not be lawful for the said corporation, from and after such wilful neglect or refusal as aforesaid, to enjoy or exercise any of the privileges in and by this act granted, and the privileges, powers, benefits and advantages in and by this act granted to the said corporation, shall, from and after the time of any such neglect and refusal as aforesaid, absolutely cease, determine and become null and void.

Duration of act

14. *And be it further enacted*, That this act shall continue in force for and during the term of twenty-one years next ensuing, and that in respect of all debts which shall be contracted by the said corporation for the time limited for the expiration of this act, the persons composing the said corporation at the time of its dissolution, shall be responsible in their individual and private capacities, to the extent of their respective shares in the funds of the said corporation at that time, and no further, in any suit or action to be brought or prosecuted after the dissolution of the said corporation.

Banking, &c prohibited

15. *And be it further enacted*, That it shall not be lawful for the said corporation to emit or issue any note or notes, bonds or bills of credit, or to discount any note, bond or bill, or to receive any money on deposit, or to carry on any banking business whatever.

Rights of the legislature

16. *And be it further enacted*, That the rights and privileges hereby granted, shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same at their pleasure.

Deposition to be made by the president & secretary

17. *And be it further enacted*, That it shall not be lawful for the said company to commence any business under this act until the president and secretary of the said company shall have made a deposition in writing, before the mayor or recorder of the city of New-York, and filed in the office of the clerk of the city and county of New-York, that the capital stock of the said company has been paid in or secured to be paid according to the provisions of this act, and every wilful false swearing in the premises, shall be subject to all the pains and penalties of perjury, and if such affidavit is not filed within one year after the passage of this act, then this act and every thing therein contained shall be void and of no effect.

CHAP. 174.

AN ACT *for inorporating the Utica Aqueduct Company in Oneida County.*

Passed April 13, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Newell Smith, William Alverson and David P. Hoyt, and all such persons as now are as-

sociated or hereafter shall associate together for supplying the village of Utica with water, shall be, and are hereby constituted and declared to be from the time of passing this act, a body politic and corporate, in fact and in name, by the name of "The Utica Aqueduct Company," and that by the same name they and their successors for the time being shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of action or actions, suits, complaints, matter and causes whatsoever, and they and their successors shall have a common seal, and may change and alter the same at pleasure, and by the same name may hold real or personal estate by purchase or otherwise, and convey the same as may be convenient for the transaction of its business, not exceeding twenty-five thousand dollars in the whole, exclusive of the profits or income of the said company. Style and general powers

2. *And be it further enacted*, That Newell Smith and William Alverson shall be commissioners for receiving subscriptions for the stock, each share being fifty dollars, and distribute the same as they may think right and equitable. Subscriptions

3. *And be it further enacted*, That the stock, property, estate, affairs and concerns of the said corporation shall be managed and conducted by seven directors, who shall be annually elected by the stockholders, as shall be directed by the by-laws of said corporation; and the directors so elected shall hold their offices for one year from the day on which they are elected; and in case of resignation or inability to serve in any way whatever, the remaining directors may fill the vacancy for the remaining part of the year, all of which directors shall be stockholders. Directors

4. *And be it further enacted*, That the persons who may be chosen to be directors, shall meet as soon as may be after every election, and choose a president and secretary, one treasurer, one collector and as many other agents and servants as they may deem proper and useful; and the said corporation shall have full power to make and ordain such by-laws, rules and regulations as they may deem necessary to attain and preserve the objects aforesaid, to impose penalties not exceeding twenty dollars for one offence, for a breach of such by-laws, rules and regulations which is calculated to prevent injuries to the conductors or aqueducts of the said company, or the drawing of water therefrom without due authority from the said company, which permission shall be given by a certificate sealed with the seal of said corporation, signed by the president and secretary, and recorded in a book kept for that purpose; the said corporation shall have power to assess and collect from the members or stockholders of said company, their just and equal shares of the expenses that may be incurred in and about the concerns of the company, and to institute such suits as may be necessary to recover all such monies as may become due to the company for water distributed from the said conductors or otherwise, and that the said treasurer shall receive and pay out all monies collected by virtue of this act, as he shall be directed by the said company; and the said secretary shall, in a book to be provided for that purpose, enter in writing all the proceedings of the company, and shall make out and deliver to the collector a list of the subscribers, with the respective By laws

amounts subscribed, certified by the president, of all such sums of money, which collector shall proceed to collect the monies contained in such list in like manner as the collector of any town is by law authorised to collect the taxes committed to him for that purpose, and shall pay over the monies by him collected to the said corporation.

Reservoirs

5. *And be it further enacted*, That it shall be lawful for the said corporation for the purpose of extinguishing fires, to sink and keep reservoirs of water in such locations in the said village of Utica, as to them shall seem most meet and proper: *Provided*, the consent of the corporation of the village of Utica is first obtained.

Transfers

6. *And be it further enacted*, That all transfer of shares of stock in said company shall be made and entered in writing in a book kept for that purpose, under such regulations as the corporation may think proper; that for the purpose of carrying this act into effect, it shall and may be lawful for the said aqueduct company to pass through the lands of any person or persons, to dig up the same for the purpose of laying down aqueducts, and to enter on said lands at any time to repair or examine the same: *And further*, said corporation shall have power to lay down aqueducts in any public highway so as not to injure the travel on the same: *Provided*, if the said highway is within the village of Utica, the consent of said corporation shall be first had: *And provided further*, That in case of taking private property, they shall first purchase and pay therefor, the sum that shall be agreed upon between the said corporation and the owner of said property; nor shall they interfere with the canal in any manner whatever, unless the consent of the canal commissioners be first had and obtained.

Proviso

Securities

7. *And be it further enacted*, That the said corporation may receive, take and hold mortgages on any real estate, chattels or tenements, if the same shall be bona fide pledged or mortgaged to the said corporation, to secure the payment of any shares which may be subscribed to make up the capital stock of the said corporation, or to secure the payment of any debt which may become due to the corporation by any means whatsoever, for the purpose of carrying into effect the object of this corporation.

Stock to be personal estate

8. *And be it further enacted*, That the stock of said corporation shall be considered as personal property, and also that at every regular meeting of the board of directors, a majority of the directors shall be competent to decide on all business and concerns relating to this corporation, and any engagements signed by the president and attested by the secretary, when done conformably to any by-laws of the corporation, shall be valid, and effectually bind the corporation without the presence of a board of directors and a seal, as effectually as if under the seal of the said corporation; and also, that nothing in this act contained shall be construed to authorise banking privileges, nor any other authority or privilege not herein expressly granted, and that this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever, and that all the rights and privileges in this act conferred shall be deemed to be granted, subject to the right of the legislature at any time hereafter, to alter, modify and repeal the same at pleasure.

CHAP. 175.

AN ACT *to incorporate the Saratoga Manufacturing Company.*

Passed April 19, 1826.

1. *BE it enacted by the People of the State of New-York; represented in Senate and Assembly*, That Philip Schuyler, and such others as now are, or hereafter may be associated with him in the business of manufacturing cotton and woollen cloths, and other articles in the county of Saratoga in this state, and carrying on the business incident to said manufactories in the county aforesaid, and such part of said business as it may be advantageous and necessary to transact in the city of New-York, be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Saratoga Manufacturing Company," and by that name they and their successors shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at pleasure; and that they and their successors by the same name and style, shall be capable of purchasing, holding, using and conveying any estate, real or personal, for the use of said corporation: *Provided*, That the said real estate to be purchased and holden, shall be such only as is now occupied by the said Philip Schuyler, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established, and such as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Corporation created

Style and general powers

Proviso

2. *And be it further enacted*, That the capital stock of the said incorporation shall be two hundred thousand dollars, and each share in the said corporation shall be one hundred dollars.

Capital stock

3. *And be it further enacted*, That the capital stock, property, affairs and concerns of the said corporation shall be managed by five directors, one of whom shall be president, who shall hold their offices one year from the first Tuesday in August in every year, and the said directors shall be elected on the first Tuesday in July in every year, at such time of the day and at such place as a majority of the directors may by their by-laws appoint; and it shall be the duty of the secretary for the time being, to give such stockholder (who shall have previously informed him in writing of his or her place of residence,) at least ten days notice in writing, previous to each election through the post-office or otherwise, of the time and place that said election is to be held, and such election shall be made by each of the stockholders of the corporation as shall attend for that purpose, in their proper persons or by proxy; and all elections shall be by ballot, each share of the stock having one vote, and the five

Directors

President

Election

persons who shall have the greatest number of votes at an election, shall be directors; and if it shall happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than five shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorised to vote at such election, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes, shall be director or directors, so as to complete the whole number of five; and the said directors as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall also at the same time elect a secretary to the company; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them shall appoint; and that the first directors shall be Philip Schuyler, John Hunter, Stephen Van Rensselaer, jun. Robert Bayard and Philip Schuyler, jun. who shall hold their offices until the first Tuesday in August, one thousand eight hundred and twenty-seven, or until others are elected.

Vacancies

First directors

Day of election

4. *And be it further enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

By-laws

5. *And be it further enacted*, That a majority of the directors for the time being, shall form a board or quorum for transacting all the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States, or of this state, as shall to them appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of the directors, and all such other matters as appertain to the concerns of the said institution; and shall have power to employ so many officers, agents, clerks and servants, and at such places as shall be necessary for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Books of account

6. *And be it further enacted*, That the directors shall at all times keep or cause to be kept, at their manufactory, and also at their ware-house or office, in the city of New-York, or at such place as their ware-house or office may be kept, proper books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Transfer of stock

7. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in a book or books to be kept by the president and directors for that

purpose, which book or books shall at all reasonable hours of transacting business, be open to the examination of any stockholder or person having in his possession any demand against the said company, the payment of which shall have been refused; and in case any officer of said company having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of two hundred and fifty dollars, the one moiety whereof to the people of this state, and the other moiety to him who will sue for the same by action of debt, in any court of record, together with the costs of such suit.

Debts

8. *And be it further enacted*, That the stockholders of the said corporation shall be holden in their individual capacities responsible, jointly and severally for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively, and any person having any demand against the said company, may sue any stockholder thereof, and recover in any court having cognizance thereof: *Provided*, such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also*, That the said company shall be liable to be prosecuted as a corporation for any such demand.

Proviso

A public act

9. *And be it further enacted*, That this act shall be, and the same is hereby declared to be a public act, and that nothing contained in this act shall be so construed as to authorise any banking or insurance operations, or the purchasing, discounting or loaning of any bonds, bills, notes, or any negotiable paper whatsoever.

Stock, personal estate

10. *And be it further enacted*, That the stock of said company shall be deemed and considered personal estate: *Provided always*, That for all debts which shall be due and owing by said company, the persons composing said corporation at the time of its dissolution, shall be responsible in their individual and private capacity, to the extent of their respective shares and no further, on any suit or action to be brought or prosecuted after the dissolution of said corporation.

Act may be repealed

11. *And be it further enacted*, That this act and the privileges herein contained, shall be taken subject to the right of the legislature at all times hereafter to repeal, alter or modify the same.

CHAP. 176.

AN ACT *in addition to an Act, entitled "An Act for the Relief of the Trustees of Middlebury Academy, in the County of Genesee.*

Passed April 13, 1826.

$1000 to be advanced to trustees

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer pay, on the warrant of the Comptroller, the sum of one thousand dollars to the trustees of Middlebury Academy, or their treasurer, for the use of that institution, which said sum is hereby declared to be an advance for and in lieu of the sum of one thousand dollars, mentioned in the act,

entitled "An act for the relief of the trustees of Middlebury academy, in the county of Genesee," passed March 3d, 1823; and the said sum directed to be raised by that act shall be raised in the manner therein mentioned, and remain in the general fund of the state to reimburse that fund for the sum by this act authorised to be paid to the said trustees or their treasurer: *Provided*, That the said sum shall not be paid, until the trustees of the said academy shall have executed a bond in their corporate capacity to the people of this state, in the penal sum of two thousand dollars, conditioned to refund and repay to the treasury of this state the said sum of one thousand dollars, with interest, or so much thereof as shall not be repaid with interest by the proceeds of the sales of the unappropriated lands pledged by the act aforesaid.

Proviso

CHAP. 177.

AN ACT *authorising James Cooper to assume a Middle Name.*

Passed April 13, 1826.

J Cooper may assume a middle name

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for James Cooper, formerly of Cooperstown, in the county of Otsego, and at present of the city of New-York, to assume and take the middle name of Fenimore, and shall hereafter be known and distinguished by the name of James Fenimore Cooper.

CHAP. 178.

AN ACT *to repeal the Tenth Section of the Act, entitled "An Act to encourage the Destruction of Wolves, and repealing sundry Acts relative to the Destruction of Wolves and noxious Animals and Birds," passed February 9th*, 1822.

Passed April 13, 1826.

Section of act repealed

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the tenth section of the act, entitled "An act to encourage the destruction of wolves, and repealing sundry acts relative to the destruction of wolves and noxious animals and birds," passed February 9th, 1822, be and the same is hereby repealed.

CHAP. 179.

AN ACT *to amend an Act, entitled "An Act to incorporate the Gravesend and Coney Island Bridge and Road Company."*

Passed April 13, 1826.

Preamble

WHEREAS it has been represented to this legislature by the petition of the Gravesend and Coney Island bridge and road company, that their present capital of six thousand dollars is entirely inadequate to the completion of the contemplated improvements and necessary public accommodations which the said company are desirous of making: Therefore,

Capital stock to be increased

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the Gravesend and Coney Island bridge and road company, to increase their capital stock by receiving subscriptions thereto under the direction and superintendence of the board of directors of the said company, at such times and in such sums as the said board of directors may deem expedient: *Provided*, That that the whole capital stock of the said company shall not exceed the sum of twenty-five thousand dollars.

Proviso

Amount of real and personal estate

2. *And be it further enacted*, That it shall and may be lawful for the said company to have, hold, possess and enjoy real and personal estate to the amount of their said capital, and to erect, build and construct such buildings, bathing-houses and appurtenances as they may deem proper and expedient.

Recital

And whereas doubts have arisen as to the construction of that part of the second section of the said "Act relative to turnpike companies" which prescribes the mode and time of appointing inspectors of elections for directors: Therefore,

Elections

3. *Be it further enacted*, That it shall and may be lawful in future for the board of directors of the said corporation to appoint three persons, being stockholders, and not members of the board of disectors, to preside at all future elections: *And further*, That the acts and doings of present or any former board of directors shall not be vacated or invalidated by reason of any informality in the election, but the said corporation shall in all things be liable for any and all contracts or engagements entered into by the said directors, in the same manner and to the same extent, and the said contracts shall have the like force and effect, as if there had been no informality in the last or any preceding election.

Legislature may repeal

4. *And be it further enacted*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

CHAP. 180.

AN ACT *for renewing and continuing in force an Act, entitled "An Act to incorporate the Assistance Society of the City of New-York for Charitable purposes," passed February* 17, 1810.

Passed April 13, 1826.

Act revived

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the act entitled "An Act to incorporate the Assistance society of the city of New-York for charitable purposes," passed February 17, 1810, shall be, and the same is hereby revived and extended, and continued in full force until the first Wednesday of December, which will be in the year of our Lord one thousand eight hundred and forty-one; and the said act shall be taken and considered to have been in full force and effect since the time of the passing thereof, in the same manner as if the same had not expired by its own limitation.

Officers

2. *And be it further enacted*, That the present officers last appointed by the said society or corporation, pursuant to the provisions of the said act, shall be and continue to be officers of the said society till others shall be duly chosen in their respective places; and the estate and property which the said society or corporation may have legally acquired, or which they may legally hold pursuant to the said act, they may continue to hold, and may convey and dispose of the same, in the same manner as if the said act had always continued in full force and effect.

May be repealed

3. *And be it further enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, modify or repeal this act.

CHAP. 181.

AN ACT *to authorise the erection of a Dam across the Genesee River, at Mount Morris.*

Passed April 13, 1826.

Dam may be erected

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William A. Mills, Jesse Stanly, and such other person or persons as may associate with them for the purpose of erecting a dam across the Genesee river, be, and they are hereby authorised to erect a dam across said river, not exceeding the height of fourteen feet, on any ground now owned by them or which they may hereafter purchase, and at any place on said river between the towns of Mount Morris and Leicester, in the county of Livingston, above and within one mile of the ferry as now established and used between the towns aforesaid: *Provided*, That this act shall not be construed to impair the right of the state, to take the water of said river for the use of any canal or canals they may hereafter construct, or using the water in said dam for all navigable purposes, without making any remuneration to the owner or owners of said dam.

Proviso

2. *And be it further enacted*, That it shall be the duty of the person or persons erecting a dam as provided for in the first section of this act, to make one or more lock or locks in said dam, each of which shall be one hundred feet long and eighteen feet wide; and to keep the same in good repair, and so located in said dam that they may be of easy access, with any boat or raft, and so culculated as to admit the passage of boats or rafts at all seasons when the river is navigable; and the master of any boat or boats, raft or rafts, navigating the said river, may at any time while so navigating the same, use at all times the lock or locks in said dam for the purpose of passing any boat or raft through the same, without paying any thing for the use thereof. A lock to be made

3. *And be it further enacted*, That previous to the erection of said dam, it shall be the duty of the person or persons interested in the same, to make and execute, together with two sufficient sureties to be approved of by the clerk of said county of Livingston, a bond to the people of this state, in the penal sum of ten thousand dollars, conditioned for the payment of such damages as each and every person may sustain in consequence of the raising of the water of said river by said dam, or by not keeping the locks of said dam in such a condition that boats and rafts may pass at all times when the water in the river is navigable, which said bond shall be filed in the office of the clerk of said county; and any person conceiving himself aggrieved by the raising of said water, or by means of said locks not being in order as aforesaid, may from time to time prosecute on said bond to recover his damages therefor: *Provided always*, That no costs shall be recovered in any action to be brought on said bond in favor of the said people, unless the damages for the breach of the condition thereof shall be assessed at ten dollars or upwards: *And provided also*, That a similar bond executed and approved as aforesaid, shall be filed with said clerk, at least once in every three years duirng the continuance of said dam: *And provided also*, That in case default shall be made in the executing and filing of any such bond as is above directed, all right and authority granted by this act shall cease and determine. Bond to be given

Proviso

4. *And be it further enacted*, That if any person shall feel himself aggrieved by the erection of the dam, and the overflowing of water caused thereby, or by any diversion of the water, or in consequence of the lock or locks not being in order, or being refused to pass the same, it shall be lawful for him to apply to the circuit judge of the district in which the said dam may be located, whose duty it shall be to appoint three appraisers, who are disinterested, to enquire and ascertain whether such person has sustained damages by reason of the erection of the said dam, and it shall thereupon be the duty of such person to give notice to William A. Mills, Jesse Stanly, or to such person or persons, or either of them, who may be in the use or occupation of any mill or other hydraulic works at or nearest to said dam, of the time and place of the meeting of said appraisers, and on such appraisement being made, the said appraisers shall file the same in the office of the clerk of the county of Livingston; and if within sixty days thereafter, the amount thereof shall not be paid to the person who is entitled thereto, it shall be lawful for any such person to prosecute the bond in the third section of this act above mentioned, and a copy of such appraisement certified by the clerk Grievances how to be redressed

of the county of Livingston, shall be conclusive evidence of the amount of such damages.

A public act

5. *And be it further enacted*, That this act shall be deemed and held to be a public act, and shall be known and recognized as such, and that the legislature of this state may at any time hereafter, alter, modify or repeal the same.

CHAP. 182.

AN ACT *to incorporate the New Rochelle Academy, in the County of Westchester.*

Passed April 13, 1826.

Corporation created

1. *Be it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as now are or hereafter shall become stockholders in said corporation, shall be and hereby are ordained, constituted and declared a body corporate and politic, in fact and in name, by the name of "The New Rochelle Academy," and by the said name they and their successors shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and shall have all necessary and proper power to carry into effect the objects of the said corporation, and none other, and they and their successors may have one common seal, and change or alter the same at pleasure, and that they and their successors by the aforesaid style or name, shall be for ever capable of purchasing, receiving, holding, possessing and enjoying any personal or real estate, and shall have power to sell and convey any part of such real estate, which may not be wanted for the purposes of the said corporation.

Style, &c

Stock

2. *And be it further enacted*, That the stock of the said corporation shall be ten thousand dollars, and may at any time be increased to twenty thousand dollars, if it shall be found necessary to carry into effect the objects of the said corporation, which stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal estate.

Directors

3. *And be it further enacted*, That the business and affairs of the said corporation shall be conducted by ten directors, who shall be stockholders thereof; and that Samuel Davis, Gideon Cogshall, John Bonnett, jun. John Hunter, Lawrence Davenport, Herman Le Roy, jun. David Lyon, Alexander Banks, William Mead and Matson Smith, shall be the first directors of the said corporation, and hold their offices until the first Monday of June, in the year of our Lord, one thousand eight hundred and twenty-seven, and that they shall, as soon after the passing of this act as may be convenient, by ballot and by the highest number of votes, choose one of their number who shall be president of the said corporation, until the said first Monday of June, and then on the said first Monday of June, in the year of our Lord one thousand eight hundred and twenty-seven, and on every first Monday of June thereafter, there shall be an election for the said corporation, held at such hour and in such

Election

places in the said town of New Rochelle, as the directors for the time being shall appoint, which directors so appointed shall hold their office for one year, or until others are appointed in their places, and that such election shall be by ballot, and by such of the stockholders as may attend for the purpose; and in all such elections every stockholder voting, shall be entitled to one vote for each share of stock held by him, and that the directors elected at such election, as soon as may be after their election, shall elect by ballot and by the highest number of votes, one of their number who shall be president of the said corporation for the then ensuing year; and that in all cases a majority of the directors for the time being, shall constitute a quorum for the transacting of business; and it shall be the duty of the said president and directors, and they or a majority ty of them are hereby authorised to receive subscriptions for the said capital stock, on such day and at such place at the town of New Rochelle, as they shall appoint, giving at least fourteen days previous notice of such time and place of receiving such subscriptions, in a newspaper printed in the county of Westchester, and the books for subscription shall be kept open from ten o'clock in the morning, until three o'clock in the afternoon of such day; and in case the whole of the stock should not be subscribed for on that day, then the said president and directors, or a majority of them, are authorised to receive further subscriptions on such other days and places as they shall from time to time appoint, until the whole stock of the said corporation shall be subscribed for as aforesaid; and it shall be lawful for the said corporation, as soon as the sum of ten thousand dollars shall have been subscribed for, to purchase a suitable site for the said academy, in the town of New Rochelle, and not elsewhere.

Day of election

4. *And be it further enacted*, That in case it shall happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause or for any nonuser, be deemed to be dissolved, but that it shall be lawful on any subsequent day, to hold an election for directors in the same manner in all respects, on giving fourteen days previous notice, to be published in a newspaper printed in the said county.

By-laws

5. *And be it further enacted*, That the directors for the time being, shall have full power to make and prescribe such by-laws, orders, rules and regulations as to them shall appear needful and proper, touching the government of the said corporation, the employment of suitable teachers, the management and disposition of the property and effects of the said corporation, the duties and conduct of the teachers and servants employed, and the salaries to be allowed, as to the said directors shall seem meet; *Provided*, such by-laws, orders and regulations shall not be repugnant to the constitution and laws of this state, or of the United States.

Proviso

Dividends

6. *And be it further enacted*, That it shall be the duty of the said corporation, annually or otherwise, to make dividends of the surplus profit arising from the business of the said corporation as they shall deem fit.

Act may be repealed

7. *And be it further enacted*, That the legislature may at any time hereafter, alter, modify or repeal this act.

CHAP. 183.

AN ACT *authorising the Trustees of the First Congregational Church and Society in the town of Sempronius, to reconvey certain Lands.*

Passed April 13, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the trustees of the first congregational church and society, in the town of Sempronius in the county of Cayuga, or their successors, to reconvey lots number two and number three in the village of Moravia, being parts of lot number eighty-three in said town of Sempronius, to John Stoyell, his heirs, and assigns: *Provided*, The said John Stoyell or his heirs, shall at the same time execute unto the said trustees or their successors, good and sufficient conveyances for lots number one and number four in said village, parts of the aforesaid lot number eighty-three.

CHAP. 184.

AN ACT *to authorise the Board of Supervisors of the County of Yates, to raise Money by Tax.*

Passed April 13, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the board of supervisors of the county of Yates, or a majority of them, at their next annual meeting, to cause to be levied and collected in the same manner as the contingent charges of the said county are by law levied and collected, the sum of twelve hundred and fifty dollars, over and above the ordinary fees of collecting and distributing the same, and which sum when collected shall be paid over to the said supervisors, to be by them laid out in completing the court-house and gaol in said county.

1830-358
1831-315
1833.214

CHAP. 185.

AN ACT *to amend the several Acts relating to the City of Albany, and to combine the same into one Act.*

Passed April 13, 1826.

Bounds of the city

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the easterly bounds of the city of Albany shall extend to the west bounds of the county of Rensselaer, opposite to the said city, and the said city shall be divided into

First ward

five wards; the first ward to be comprehended within the following limits, viz.: beginning in the centre of Frelinghuysen-street, on the

south line of the said city, thence running northerly through the centre of said street to Lydius-street, thence easterly through the centre of Lydius-street to its intersection with Green-street, then northerly through the centre of Green-street by a straight line to the north side of State-street, thence westerly along the said north side (including the same) to the east side of Eagle-street, thence westerly by a straight line to the centre of Deer-street, on a range with the west side of the public square, thence westerly through the centre of Deer-street to the west bounds of the said city, thence southerly along the said west bounds to the south bounds of the said city, thence easterly along the said south bounds to the place of beginning, being the same territory now denominated the first ward: The second, within the following limits, to wit: beginning at a point in the centre of Middle-alley, where it enters into State-street, thence northerly through the centre of Middle-alley to the north side of Columbia-street, thence westerly along the said side (including the same) to the east side of Pearl-street, thence northerly along the east side of Pearl-street (including the same) to the north bounds of the said city, thence westerly along such bounds to the westerly bounds of the said city, thence southerly along such westerly bounds to the middle of Deer-street, thence easterly through the middle of Deer-street to a point on a range with the west side of the public square, thence easterly to the east side of Eagle-street on the north side of State-street, and thence along the north bounds of the first ward to the place of beginning, being the same territory now denominated the second ward: The third, within the following limits, to wit: beginning at a point in the centre of the Hudson river, opposite the centre of Mark-lane, thence westerly by a straight line to the centre of Mark-lane, thence westerly through the centre of Mark-lane to the west side of Market-street at its intersection with State-street, thence westerly along the north side of State-street to a point opposite the centre of Green-street, thence westerly along the north side of State-street to the centre of Middle-alley, thence northerly through the centre of Middle-alley to the north side of Columbia-street, thence westerly along the north bounds of the second ward to the east bounds thereof, and thence northerly along the said east bounds to the north bounds of the said city, thence easterly along the said north bounds to the centre of the Hudson river, thence southerly along the said centre of Hudson river to the place of beginning, being the same territory now denominated the third ward: The fourth, within the following limits, to wit: beginning at the place of beginning of the first ward before mentioned in Frelinghuysen-street, thence northerly along the east bounds of the said first ward to Lydius-street, thence easterly along the centre of Lydius-street to its intersection with Green-street, thence northerly through the centre of Green-street to the north side of State-street, thence easterly including the said north side to the west side of Market-street, thence easterly through the centre of Mark-lane to the centre of Hudson river, thence southerly along the centre of said river to the south bounds of the said city, thence westerly along the south bounds of the said city to the place of beginning, being the same territory now denominated the fourth, ward: And the fifth within the following limits, to wit: beginning at the southeast corner of the late town of Colonie,

Second ward

Third ward

Fourth ward

Fifth ward

and running northwardly along the east bounds of the county of Albany until a course of north forty-eight degrees west, intersects or strikes a red cedar post with brick around it, standing on the west bank of Hudson's river, which post is distant twenty-two chains and thirty-six links from the southeast corner of the store-house of Stephen Van Rensselaer, on a course north forty degrees twenty minutes west, and then north forty-eight degrees west to the west bounds of the said town, then along the west and south bounds thereof to the beginning, shall be and is hereby denominated the fifth ward; each of which wards shall be entitled to elect, in the manner hereinafter mentioned, two aldermen, two assistants, one supervisor, one assessor, one collector and two constables.

Officers of the ward

Privileges of inhabitants of fifth ward

2. *And be it further enacted*, That the freeholders and inhabitants of the said fifth ward shall enjoy all the rights, privileges and immunities which are granted by the charter of the said city of Albany, and the several acts amending the same now in force, to the freeholders and inhabitants of the said city; and that the said fifth ward shall, to every intent and purpose provided for by the said charter and the acts aforesaid, be subject to the control, government and regulation of the common council of the said city, in like manner as the other wards of the said city.

Elections to be by ballot

3. *And be it further enacted*, That all elections for aldermen, assistants, supervisors, assessors, collectors and constables held in any of the wards of the said city, shall be by ballot, and conducted as follows: every person qualified to vote at any such election, and shall offer himself to vote, shall at such election openly deliver his ballot to one of the officers holding the said election, which ballot shall be a paper ticket, containing the name or names of persons for aldermen, or the name or names of such officer or officers as shall be to be chosen in the ward in which the elector shall reside, or such or so many of them respectively as he shall think proper to vote for, designating who are voted for as aldermen, and the like for all the officers to be chosen at such election, and for whom the said elector shall think proper to vote; and the said paper ticket shall be so folded or closed as to conceal the writing thereon, and on the receipt of every such ballot, the officer holding such election shall, without suffering the same to be opened or inspected, cause the same to be put into a box to be provided by the common council for that purpose: *And further*, That the poll of such election shall be opened at ten o'clock in the forenoon, and shall continue open until three o'clock in the afternoon of the same day, and no longer, and that the name of each elector voting at such election shall be written in poll lists to be kept at such election by the officers holding the same, and that after finally closing the poll of any such election, the officers holding the same in any of the said wards shall proceed without delay publicly to open the said ballots, and shall first count the said ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll lists, the officers holding the said election shall draw out and destroy unopened so many of the said ballots as shall amount to the excess; and if two or more ballots are found rolled or folded up together, they shall not be estimated; and thereupon the officers holding such election shall immediately proceed openly and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass

Manner of conducting elections

and estimate on the same day, and shall thereupon certify and declare the number of votes given for each person for each respective office, and shall file such certificate in the office of the clerk of the said city on the same day.

What officers to be chosen in Sept. and in May annually

4. *And be it further enacted*, That two aldermen, two assistants and one constable shall be annually chosen in each of the said wards on the last Tuesday of September; and one supervisor, one assessor, one collector and one constable in each of the said wards annually, on the first Tuesday of May; and that the officers holding such election shall, five days previous thereto, give public notice in writing, in at least three public places in such ward, of the place where such election shall be held; and that every person offering to vote at any election for officers elected on the last Tuesday of September, or to fill any vacancies in such election, before he be permitted to vote shall, if required by the presiding officer at such election, or by any person qualified to vote thereat, take one of the following oaths, viz.:

Form of oaths for voters

"I do solemnly swear and declare, (or affirm, as the case may be) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this city for six months last past, and paid taxes within the same, and now actually reside within the ward of this city, and have not been before polled at this election."

Or, "I do solemnly swear and declare, (or affirm, as the case may be) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within this city for six months last past, and that I am possessed of a freehold within the said city, and now actually reside within the ward of this city, and have not been before polled at this election."

Or, "I do solemnly swear and declare, (or affirm, as the case may be) that I am a citizen of the United States, of the age of twenty-one years, and have resided within this city for six months last past, and have rented a tenement of the yearly value of five dollars for the term of one year, within the same, and now actually reside within the ward of this city, and have not been before polled at this election."

Or, "I do solemnly swear and declare, (or affirm, as the case may be) that I am a citizen of the United States, and of the age of twenty-one years, and have resided within the said city for six months last past, and that I was born within the said city, and now actually reside within the ward of the said city, and have not been before polled at this election."

And upon taking such oath, he shall forthwith be permitted to vote; and if any person shall knowingly swear falsely in the premises, he shall be deemed guilty of wilful and corrupt perjury, and punished accordingly, before any court having cognizance thereof: and every person offering to vote at any election on the first Tuesday of May, shall possess the same qualifications as persons entitled to vote at any election for town officers in this state; and all elections in the said city shall be held in each ward before one or both of the aldermen thereof, and in case there be no alderman in such ward, then before one or more of the aldermen of the said city, and the aldermen holding such elections shall be the presiding officers thereof: *And further*, That if there shall happen any vacancies in

Qualifications of electors

Vacancies how filled

the offices chosen on the last Tuesday of September, by death, resignation, removal out of the city, or other disqualification, before another annual election shall be held, it shall be lawful for the common council to direct an election to supply such vacancy in the ward or wards where the same shall happen, and shall duly appoint a time and place for holding such election in such ward or wards, giving previous notice of such time and place in at least three public places in such ward or wards, in manner herein before mentioned; and such election shall in other respects be held and conducted in like manner as the regular elections in the said city are held and conducted; and if there shall happen any vacancies in like manner in any of the officers chosen on the first Tuesday of May, such vacancies may be filled by an election to be held in the ward or wards where such vacancies shall happen, which election shall be held at such time and place as the common council shall direct, and shall be held and conducted in like manner as the regular elections are held and conducted, and the officers chosen shall hold their offices until the next annual election.

Mayor how to be appointed

5. *And be it further enacted*, That the mayor of the said city shall be annually appointed by the common council thereof, and shall hold his office for one year, or until another shall be appointed and sworn in his stead; and the aldermen, assistants and chamberlain of the said city shall be sworn into office on the second Tuesday of October in each year, or as soon thereafter as they shall attend in common council: *And further*, That the common council of the said city shall be held at the capitol therein, unless in case of pestilence, invasion, or if the same shall be destroyed by fire, or the common council cannot conveniently meet at the said capitol, in either of which cases the common council may be held (until the causes suspending their regular meetings be removed or shall cease) at such other place as they shall appoint; and the mayor, or in his absence, the recorder shall preside at any of the meetings of the common council, and if both be absent, a chairman *pro hac vice* may be appointed by the members present, but such chairman shall be one of the aldermen.

1801-315

Common council where to be held

Special meetings

6. *And be it further enacted*, That it shall be lawful for the mayor of said city to call special meetings of the common council, and in case of his death or absence from the city, it shall be lawful for the recorder to call such special meetings; and in case of their deaths or absence from the city, it shall be lawful for any three aldermen to call such special meetings; and a majority of the members of the common council shall at all times constitute a quorum for the transaction of business.

County clerk

7. *And be it further enacted*, That the clerk denominated in the charter of the city of Albany the town clerk, now usually called the clerk of the city and county of Albany, shall forever hereafter be relieved, restrained and prohibited from doing or performing any duties or services, or any act, matter or thing whatsoever, as clerk of the common council of said city.

Clerk of the common council

8. *And be it further enacted*, That the mayor, aldermen and commonalty of the city of Albany, in common council convened, shall and may from time to time, and at all times for ever hereafter, choose and appoint a clerk to be clerk of the common council of the city of Albany only, and to remove such clerk, and to appoint

another from time to time, as often as the said common council shall deem fit so to do, which said clerk or clerks so to be chosen and appointed shall receive, have and take charge of, and keep such writings and papers belonging to the mayor, aldermen and commonalty of the city of Albany, as the said common council shall from time to time direct or order to be delivered to and kept by the said clerk and clerks so from time to time to be appointed, under the direction and subject to the order and control of the said common council: *Provided nevertheless*, That nothing herein contained shall be construed to prevent the legislature, at any time within their discretion, from altering or repealing this section, and the last preceding section of this act. Proviso

9. *And be it further enacted*, That it shall and may be lawful for the common council annually, or oftener, in their discretion, to appoint one or more overseers of the poor or poor masters, and one or more pound masters, and fence viewers, who shall severally possess the powers of overseers of the poor, pound master and fence viewer of any town in this state, subject to any regulations concerning them, to be made by the common council in their discretion: *And further*, it shall be lawful for the said common council to select from the aldermen and justices of the peace in the said city such and so many as they think proper, to be called "the board of magistrates for the relief and support of the poor," who shall in such case exclusively possess the power and authority of applying and distributing the funds for the support of the poor in such manner as the common council may direct; and the said common council shall yearly determine the sum necessary to be raised by tax for the support and maintenance of the poor of the said city for the ensuing year; and the supervisors of the city and county of Albany being served with a copy of the resolution of the said common council directing such sum, shall cause the same to be raised, assessed and collected according to law; and such monies when collected by tax, shall be paid to the chamberlain of the said city, and shall be drawn for and applied under the direction of the common council: *And further*, it shall be lawful for the common council to pass ordinances for regulating the alms-house and the officers thereof within the said city, and to appoint during pleasure all such officers as they may deem necessary for the good government of the said alms-house and the poor within the same; and that the monies directed by law to be applied for the support of the poor within the said city, or any part thereof, may be directed by the common council to be applied to the support of the said alms-house and the poor within the same, in such manner as the said common council shall deem proper: and also for establishing a house of correction for petty offenders within the said city; to appoint during pleasure, a keeper thereof, and so many assistants as may be necessary; to prescribe the duties of the said keeper and assistants, and the compensation which they shall respectively be entitled to receive for their services from the said mayor, aldermen and commonalty, and to pass ordinances for regulating the said house of correction, and all other ordinances relative thereto; and it shall be lawful for the court of oyer and terminer and general sessions of the peace in and for the city and county of Albany, and for any court of special session of the peace held in the said city or county, to sentence and adjudge any offender, convicted

Overseers of the poor

Board of magistrates

Poor money

Alms-house and house of correction

before either of said courts of any petit larceny, assault and battery, or misdemeanor committed within the said city, to the said house of correction instead of the gaol of the said city and county, there to be imprisoned and kept at hard labor during the term of his or her imprisonment.

Certain charter rights surrendered

10. *And be it further enacted*, That the right heretofore vested by the charter in the common council of regulating the Indian trade, and in the mayor of being coroner of the said city, and of licensing tavern keepers and others out of the said city, and the right under the said charter of holding a mayor's court once every fortnight, and of excluding all but freemen of the said city from trading therein, and of holding the election for charter officers on the feast of St. Michael the archangel, and of three aldermen and three assistants, with the mayor or recorder holding a common council, be and the same are hereby, on the petition and surrender of the common council, respectively abrogated and annulled: *Provided always*, That one of the coroners of the county of Albany, shall always be a citizen of the said city: *And provided further*, That nothing herein contained shall affect or prejudice the rights of the mayor of the said city in granting licenses to tavern keepers and others under the said charter within the said city.

Proviso

Aldermen not to act as justice in civil cases.

11. *And be it further enacted*, That no alderman shall by virtue of the said charter, try any civil cause to the amount of twenty-five dollars or under, excepting such as are brought for any penalty under any of the by-laws of the said city, in which case he may act as justice in his civil capacity.

Mayor may appoint a deputy excise officer

12. *And be it further enacted*, That it shall be lawful for the mayor of the said city to appoint, during his pleasure, a person to be called *the deputy excise officer*, with power to such officer, under the control of the said mayor, to grant licenses to butchers, cartmen, tavern-keepers, grocers and keepers of ordinaries, victualling and oyster houses within the said city, but the said mayor shall sign such licenses, and the salary of such deputy excise officer shall be ascertained and paid by the said common council.

May grant licenses

13. *And be it further enacted*, That it shall be lawful for the mayor to grant permits for retailing spirituous liquors under five gallons, and for keeping taverns within the said city, at the time and under the regulations prescribed in the act, entitled, "*an act to lay a duty on strong liquors, and for regulating inns and taverns*," and also to determine the sum which each person applying for a license or permit as aforesaid, shall pay for the same, not being less than five, nor more than fifty dollars, as a duty of excise; which sum shall be paid to the said mayor or deputy excise officer by the person applying for such license, and before such license shall be issued as aforesaid, to be accounted for and paid over to the chamberlain of said city, for the support of the poor thereof: *And further*, out of the said excise duties, the sum of five hundred dollars shall annually be paid by the said mayor to the trustees of the *Albany Lancaster School*, according to their act of incorporation.

Excise duty

Allowance to Lancaster school

Petty grocers &c regulated

14. *And be it further enacted*, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Albany, in common council convened, to pass ordinances for regulating tavern keepers, petty grocers, keepers of ordinaries, or victualling houses, or where fruit, oysters, clams, liquor or meats shall be sold, in order

to be eaten or drank at such houses within the said city, and for exacting a recognizance of every such grocer, or other person as aforesaid, in such penalty and with such surities as the common council shall deem reasonable, conditioned that he shall not permit any strong or spirituous liquors to be drank in his shop, out-house, yard or garden, nor suffer any kind of gaming within the same, nor sell any sort of strong or spiritous liquors to any servant, apprentice or slave, without a permit from his or her master or mistress; and that no tavern-keeper, grocer or other person as aforesaid, in the said city, shall permit any riotous or noisy persons to be assembled in his, her or their house on the Sabbath day, nor permit at any time, any manner of gaming, quarrelling or other disorderly practice or conduct; nor keep any billiard table, or other instrument or device used for gaming; and that it shall and may be lawful for the mayor or recorder of the said city, in conjunction with any two of the aldermen thereof, to hear and determine in a summary way, any complaint which may be preferred against any tavern-keeper, grocer or other person as aforesaid, for any offence in the premises, and in case they shall judge it necessary to deprive any such tavern-keeper, grocer or other person as aforesaid, who shall offend in the premises of his license: *And further*, That the recognizances which may be required of persons licensed to retail strong and spirituous liquors to be drank in his or her house, out-house, yard or garden, within the said city, in pursuance of the sixth section of the act entitled "*an act to lay a duty on strong liquors, and for regulating inns and taverns*," passed the seventh day of April 1801; and the recognizances of grocers and other persons as aforesaid, to be taken and entered into pursuant to the provisions of this act, instead of being entered into and acknowledged to and in the name of the people of the state of New-York, shall be taken in the name of the said mayor, aldermen and commonalty, and that the said mayor, aldermen and commonalty, in common council convened, shall and may make such orders in relation to prosecutions for breaches thereof as they shall deem proper and necessary to preserve peace and good order, and to promote the welfare of the said city.

Recognizances of grocers

15. *And be it further enacted*, That the said common council are hereby constituted and declared commissioners of highways in and for the said city, and shall and may from time to time pass ordinances for the more effectual suppression of vice and immorality; for preserving peace and good order; to prevent forestalling and regrating, and for detecting and restraining every kind of fraudulent device and practice within the said city; to enforce the due observace of the Sabbath day; to suppress and restrain disorderly and gaming houses, billiard tables, and other instruments and devices used for the purpose of gaming; to direct the keeping and returning bills of mortality, and to impose penalties on physicians, sextons and other persons for any default in the premises; to regulate the keeping, carting, conveying and transporting of gun-powder or other combustible or dangerous materials; and the use of lights and candles in livery or other stables; to remove or prevent the construction of any fire place, hearth, chimney, stove, oven, boiler, kettle, or apparatus used in any house, building, manufactory or business, which may be dangerous in causing or promoting fires; to direct the construction of safe deposits for ashes, and to appoint one

The several police powers of the common council specified

or more officers at reasonable times to enter into and examine all dwelling-houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in a safe and secure condition; to regulate the guaging of all casks of liquids and liquors; and to appoint one or more suitable persons to superintend and conduct the same; to regulate the place and manner of selling hay, pickled and other fish; to restrain and punish the forestalling of poultry, butter and eggs; to restrain and regulate the purchase of wheat, corn and every kind of grain and other articles of country produce, by persons commonly known in said city, by the name of *runners*; to prevent and regulate the running at large of dogs, or to impose a reasonable tax upon the owners or possessors of such dogs; to appoint an examiner of weights and measures, and prescribe his powers and duties; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires; to appoint fire wardens with such duties and powers as the common council shall prescribe, and to adopt such measures for the prevention and suppression of fires as the said common council shall deem expedient; to compel the owners and occupants of houses and other buildings to have scuttles on the roofs of any such houses or buildings, and stairs or ladders leading to the same; to regulate the dimensions of chimnies so as to admit chimney sweeps to sweep and clean the same; to appoint watchmen and prescribe their powers and duties; to authorise any magistrate, constable or other person to stop any person riding or driving immorderately through any of the streets of the said city, or otherwise to prohibit such offences; to establish and regulate docks, wharves or whatever may be necessary in and about the same; to appoint and regulate weighers and measurers of hay, fish, iron, cord wood, coal, grain, lime and salt; to abate or remove any nuisances in any street or wharf, or on the lot or enclosure of any person; to regulate the markets; to regulate and license cartmen and porters; to appoint firemen to take the charge and management of the fire engines and apparatus thereto belonging, under such regulations as they shall deem necessary, which firemen shall be exempt from serving as constables or jurors, or in the militia, except in cases of insurrection, invasion, or other imminent danger; to authorise the mayor, recorder, or any alderman or assistant to remove or cause to be removed, and kept away from the vicinity of any fire, all idle and suspicious persons, during such fire, or to compel any persons to aid in the extinguishment thereof, or in the preservation of property exposed to the dangers of such fire; to require the sheriff and his deputies, the marshal, watch and constables to be aiding in the extinguishment of all fires, and in preventing goods from being purloined thereat, and in securing the same, subject to the orders of the mayor, recorder, or any alderman or assistant present at such fire; to require the inhabitants respectively to provide such and so many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire; to regulate and arrange with uniformity such buildings as shall be erected; to regulate, keep in repair, and alter the streets, highways, bridges, wharves and slips, and to appoint one or more suitable persons to see that the same are conformable thereto, and who shall take an oath faithfully to perform their said trust; to prevent

all obstructions in the river near or opposite to such wharves, docks or slips; to require good and sufficient railings or guards to be constructed on the roofs of all dwelling-houses and other buildings; to prevent persons from selling cakes and fruit unless licensed in the manner they shall direct; to direct and regulate the paving or flagging of the side walks; to regulate the assize and quality of bread, and to provide for the forfeiture and seizure of bread baked contrary thereto; to prevent the incumbering of the streets, side walks, wharves or slips with wheelbarrows, lumber, stone, or any other materials whatsoever; to regulate and restrain the running at large of horses, hogs, cows, or any other cattle; to regulate the sweeping of chimnies, to prevent chimney sweeps, unless licensed as they shall direct, from sweeping or cleaning chimnies; to restrain all vagrants, common mendicants, street beggars, or persons soliciting alms, or subscriptions for any purpose whatsoever, and all such persons as shall harbor them, without giving previous notice thereof to a member of the common council; and generally to make all such rules, by-laws and regulations for the good order and government of the said city, and the commerce and trade thereof as they may deem expedient, not repugnant to the constitution or laws of this state; and to inflict penalties upon any citizen or inhabitant thereof, or other person or persons, for the violation of any by-laws, not exceeding twenty-five dollars for any one offence, recoverable with costs in an action of debt, by and in the name of the chamberlain of the said city, for the use of the mayor, aldermen and commonalty thereof, before any police justice, justice of the peace or alderman thereof, in which action the first process may be by warrant, and there shall be no stay of execution after judgment upon any pretence whatever, nor shall any exemption be allowed thereupon: *And further*, the common council may subject the parent, master, mistress or guardian of any minor, apprentice, servant or slave, to any such penalty for any offence committed by such minor, apprentice, servant or slave: *And further*, it shall be lawful for the common council to inflict imprisonment upon any person for any offence, not exceeding thirty days, to the house of correction, there to be kept at hard labor, or to the gaol of the said city and county; and it shall be lawful for the magistrate before whom judgment of imprisonment shall be given to carry the said judgment of imprisonment into effect by a warrant of conviction under his hand and seal directed to the keeper of the said house of correction or goal: *Provided*, That no by-laws made by the said common council shall continue in force longer than three years from the passing thereof, subject however at all times to be repealed by the legislature. Duration of by-laws.

16. *And be it further enacted*, That for the good government of the city of Albany, and for the purpose of enforcing the laws of this state, and the ordinances of the common council of said city, the police office of the said city shall continue to be kept at such place as the common council shall from time to time provide and assign. Place of holding Police court

17. *And be it further enacted*, That the common council of said city shall have power and authority to regulate the police of said city, and to appoint one or more persons being citizens of said city, and not exceeding three, as police justices, to hold their offices during the pleasure of the common council; and that the said police jus- Common council to regulate police

tice or justices shall have and exercise the like powers in the said city as are now exercised by any alderman thereof, or by justices of the peace in the different towns of this state: *Provided*, That nothing herein contained shall be construed to authorise said police justice or justices to try causes for the recovery of debts, other than those which may arise for the violation of any by-laws of said city.

Constables

18. *And be it further enacted*, That the common council of said city shall have power and authority to appoint two persons, (being citizens as aforesaid) as high constables, and also two persons being citizens as aforesaid, from each of the wards of said city as police constables.

Powers of constables

19. *And be it further enacted*, That the high constables and the police constables shall have and receive the same fees, and have the like powers and authority, and be subject to the same duties as the constables of the several towns in this state, but that the high constables shall not be liable for any penalty for not attending courts as officers thereof.

Witnesses

20. *And be it further enacted*, That it shall be the duty of the said police justice or justices, and they are hereby authorised, whenever they have reason to suspect that any complaint for a misdemeanor is unfounded, to compel the attendance of witnesses, in order to examine into the truth of such complaint, and if on investigation it shall appear that the charge is not supported, it shall be dismissed.

Duty of watchmen

21. *And be it further enacted*, That it shall be the duty of the watchmen of said city to obey such orders and directions as they shall from time to time receive from the said police justice or justices, relative to the detection and apprehension of offenders: *Provided*, That such orders and directions shall not violate the ordinances of the common council for regulating the watch of the said city, nor any of the existing laws of this state.

Constables to obey orders of Mayor, &c

22. *And be it further enacted*, That the high constables, police constables and city constables shall obey the orders of the mayor, recorder, aldermen or assistants, and of the police justice or justices, or either of them, in enforcing the laws of this state, or the ordinances of said city; and in case of refusal or neglect so to do, he or they shall be subject to a penalty of not less than one dollar, nor more than ten dollars.

Duration of office of constables

23. *And be it further enacted*, That the high constables and the police constables shall hold their offices during the pleasure of the common council.

Duties of police justices respecting unclaimed property

24. *And be it further enacted*, That it shall be the duty of the police justice or justices of the city of Albany, for the time being, on the first Mondays in May and November, in every year hereafter, to account on oath before the mayor or recorder for all such monies, goods, wares and merchandize as shall then remain unclaimed in the said police office, and immediately thereafter to give notice for four weeks in one of the public newspapers printed in the city of Albany, to all persons interested in or claiming such property: *Provided always*, That if any goods, wares, merchandize or chattels of a perishable nature, or which shall be expensive to keep, shall at any time remain unreclaimed in said police office, it shall be lawful for the said police justice or justices to sell the same at public auction,

at such time and after such notice as to them and the said mayor and recorder shall seem proper.

Stolen property

25. *And be it further enacted*, That it shall be the duty of the police justice or justices aforesaid, who may recover or obtain possession of any stolen property, on receiving satisfactory proof of property from the owner, to deliver such property to the owner thereof on his paying all necessary and reasonable expenses which may have been incurred for the preservation or sustenance of such property.

To sell unclaimed property

26. *And be it further enacted*, That it shall be the duty of the police justice or justices to cause all property unclaimed, after the expiration of the notice specified in the last preceding section but one of this act (money excepted) to be sold at public auction to the highest bidder, and the proceeds thereof forthwith to pay to the chamberlain of the said city, together with all money (if any) which shall remain in his or their hands after such notice as aforesaid, first deducting the charges of said notice and sale.

Expenses in detecting of fenders, how paid

27. *And be it further enacted*, That it shall be lawful for the mayor or recorder of said city, by warrant under his hand, to direct the application of the monies which shall be paid to the said chamberlain as aforesaid towards paying for any extra services and expenses which may be rendered or incurred in detecting and apprehending public offenders: *Provided always*, That a detailed account of such services and expenses shall be first certified by the said police justice or justices, and audited by the common council of the said city.

Mayor, &c members of Lancaster school society

28. *And be it further enacted*, That the mayor, recorder, aldermen and assistants of the city of Albany, shall and may by virtue of their respective offices, be members of the Albany Lancaster School Society, any law to the contrary notwithstanding.

Hackney coaches

29. *And be it further enacted*, That it shall be lawful for the common council of the city of Albany to regulate and license owners of livery stables, and to regulate and license the owners and keepers of hackney coaches, and of horses, phætons, chairs, sleds, waggons and carriages of every description, used for hire or reward, in the said city, and to inflict penalties for the violation of such regulations, not exceeding twenty-five dollars, besides costs, on any one person for any one offence.

Common sewers, pavements, &c

30. *And be it further enacted*, That it shall be lawful for the said mayor, aldermen and commonalty to cause common sewers, drains and vaults to be made in any part of the said city, and to order and direct the pitching, levelling and paving the streets thereof, and the cutting into any drain or sewer, and the altering, amending, cleansing and scouring of any street, vault, sink or common sewer within the same city, and the raising, reducing, levelling or fencing in any vacant lots adjoining each other, and to cause to be made estimates of the expense of conforming to such regulations, and a just and equitable assessment thereof among the owners or occupants of all the houses and lots intended to be benefitted thereby in proportion as may be to the advantages which each shall be deemed to acquire; and the said common council shall direct the city superintendent to make every such estimate and assessment, who shall be duly sworn before the mayor, recorder or any alderman or police justice, fairly and impartially to make such estimate and assessment,

Estimates & assessments

and when he shall have completed the same, he shall give notice daily for two weeks, in one or more of the public newspapers printed in the said city, that such estimate and assessment is left at his office for the inspection of all persons interested, which estimate and assessment being returned to the common council at the expiration of the time directed for the publication thereof, and ratified by them, shall be binding and conclusive upon the owners and occupants of such lots so to be assessed respectively; and such owners and occupants shall also respectively, on demand, pay to such persons as shall be authorised by the said common council to receive the same, the sum at which such house or lot shall be so assessed, which said sum shall be applied towards the making, altering, amending, pitching, paving, cleansing and scouring such streets, and making and repairing such vaults and sewers as aforesaid, and the raising, reducing, levelling or fencing in any vacant lots adjoining each other; and in default of such payment, or any part thereof, it shall be lawful for the mayor, recorder and aldermen of the same city, or or any three of them, of whom the mayor or recorder always to be one, by warrant under their hands and seals, to levy the same by distress and sale of the goods and chattels of such owner or occupant refusing or neglecting to pay the same, rendering the overplus (if any) after deducting the charges of such distress and sale, to such owner or occupant, or his legal representatives: *Provided always*, That nothing in this act contained shall affect any agreement between any landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never passed: *And further*, That if any money so to be assessed, shall be paid by any person when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, with proof of payment, shall be conclusive evidence in such suit.

Proviso

Real estate may be sold for a term of years in cases of default in paying assessments

31. *And be it further enacted*, That in case any estimate or assessment as aforesaid shall not have been complied with, and the sums thereby assessed shall not have been paid, it shall be lawful for the common council to cause the same to be advertised in one or more of the public newspapers printed in the said city, for three months, thereby requiring the owners of such lots respectively to pay the sum at which the said lots shall be assessed, to the chamberlain of the said city, and that if default shall be made in such payment, such lot will be sold at public auction at a day and place therein to be specified, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed on the same, for the expense aforesaid, with the interest thereof, and costs of suit; and if, notwithstanding such notice and demand, the owner or owners shall refuse or neglect to pay such assessments, with the charge of appraisement and advertisement, and the interest and cost as aforesaid, then it shall be lawful for the said mayor, aldermen and commonalty to cause the said lot to be sold at public auction, for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of

such sale to the purchaser thereof, under the common seal of the said city, and such purchaser, his executors, administrators and assigns shall by virtue thereof, and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners thereof, and all claiming under him, until his term shall be complete and ended; being at liberty to remove all the buildings and materials which he or they shall erect or place thereon, but leaving the ground in sufficient fence, and with the street or streets fronting the same in the order required by the said regulations.

Further assessments may be made

32. *And be it further enacted*, That if, upon completion of any such regulation as aforesaid, it shall appear to the mayor, aldermen and commonalty of the said city, that a greater sum of money has been *bona fide* expended in making such regulation than the sum estimated and collected as aforesaid, it shall then be lawful for the said mayor, aldermen and commonalty to cause a further assessment equal to such excess to be made and collected in manner aforesaid: *And further*, That in case the sum actually expended shall be less than the sum expressed in the said estimate and collected as aforesaid, the surplus shall be forthwith returned to the persons from whom the same were collected, or their legal representatives.

Assessments to be a lien on the ground assessed

33. *And be it further enacted*, That the amount and estimate of every assessment shall be and remain a lien on the lot or lots so estimated from the time of the completion and return of such estimate in manner aforesaid, until paid or otherwise satisfied, and that it shall be lawful for the said mayor, aldermen and commonalty, instead of the remedies herein above provided, if they shall see fit, in case any owner or occupant of any lot within the said city shall neglect or refuse to conform his lot to such regulations as aforesaid, to conform the same to such regulations at their own expense, and to sue for and recover the amount of that expense from the owners of such lots, or their legal representative, with interest and costs, in any court within this state having cognizance thereof, in an action on the case for so much money by them paid, laid out and expended for such owners, and the said estimate or assessment, with proof of the amount and payment of the said expense, shall be conclusive evidence for the plaintiffs in every such action: *And further*, it shall be lawful for the said mayor, aldermen and commonalty to sue for and recover in like manner all such sums of money as they may have expended heretofore in consequence of any estimate or assessment made in the manner and for the purposes aforesaid.

Buildings, dimensions of

34. *And be it further enacted*, That every building hereafter to be erected within the bounds of the city of Albany, east of Lark-street to the north and south bounds thereof, or within such more confined limits as the common council thereof shall from time to time designate, exceeding twenty-five feet square, or twenty-five feet in depth and twenty-five feet in front along the street, and twenty-five feet in height from the surface of the street, or the common surface of the earth either front or rear, to the top or ridge of the roof, shall be built of stone, brick, or timber faced with brick, and the roof thereof covered with slate, tile, tin or other fire proof materials: *Provided always*, That all roofs of steeples, cupolas and spires of churches and other public buildings, may be covered with boards and shingles, any thing in this act to the contrary notwithstanding.

Proviso

Penalties for offences against preceding section

35. *And be it further enacted*, That if any dwelling-house, store or other building shall be erected, constructed, covered or roofed, contrary to this act, (except as herein before excepted) the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of one hundred dollars, and the further sum of twenty-five dollars for every month such offence shall be and continue; and the workmen who shall build, construct, raise, erect or roof such dwelling-house, store or other building, contrary to this act, shall for every such offence forfeit and pay the sum of fifty dollars, to be recovered with costs of suit in any court of record within this state, by the chamberlain of the said city, for the use thereof, which suit shall be under the control and direction of the common council.

State & county to pay certain assessments

36. *And be it further enacted*, That it shall be lawful for the said common council to order the streets within the said city in front of any ground belonging either to the people of this state, or to the supervisors or inhabitants of, or appropriated to the use of the county of Albany, to be pitched, levelled and paved, in the same manner as the other streets within the said city are directed by law to be pitched, levelled and paved, and that the expenses incurred by the said common council for those purposes, shall, so far as respects the ground belonging to the people of this state, be paid by the treasurer, on the warrant of the comptroller, to the chamberlain of the said city; and that the supervisors of the said county shall cause the sums necessary to defray the said expenses, so far as relates to the ground belonging or appropriated to the use of the said county, to be levied and collected as part of the contingent charges of the said county, and to be paid to the said chamberlain.

$15,000 may be raised for lamps &c

37. *And be it further enacted*, That the said common council shall and may, from year to year, cause a tax, not exceed fifteen thousand dollars, to be assessed, collected and paid in the same manner as the other contingent expenses of the said county are assessed, collected and paid, for defraying the expenses of supporting the night watch, and lighting the lamps within the said city; and the chamberlain shall annually publish a statement of the monies received and expended by virtue of this section, in one or more of the public papers printed in the said city.

Authority to pull down and destroy hazardous buildings in case of fire

38. *And be it further enacted*, That when any building or buildings in the said city are on fire, it shall be lawful for the mayor or recorder, with the consent and concurrence of any two of the aldermen, or for any three of the said aldermen, to direct and order the same, or any other buildings which they may deem hazardous and likely to take fire and convey the same to other buildings, to be pulled down and destroyed; and upon the application of any person interested in any such buildings so pulled down or destroyed, to the mayor or recorder or any three aldermen, it shall be their duty to issue a precept to the sheriff of the said city to summon a jury of twelve disinterested freeholders, to inquire of and assess the damages which the owners of such buildings, and all persons having any estate or interest therein have respectively sustained by the pulling down and destroying thereof, which precept shall be executed, returned and proceeded upon, as nearly as may be, in the manner prescribed by the eleventh section of this act, and the said inquisition and assessment of the said jury, having been confirmed by the may-

[Instead of 11 read 56 sec.]

or's court of the said city, the sums thereby assessed shall be paid by the said mayor, aldermen and commonalty, to the respective persons in whose favor the jury shall have assessed the same, in full satisfaction of all demands and damages of such persons respectively, by reason of the pulling down or destroying such buildings, and the mayor's court before whom such process shall be returnable, shall have the like power to compel the attendance of jurors and witnesses, upon any assessment of damages, in pursuance of this act, as in actions depending in the said court; and the expenses of such assessment shall also be borne and defrayed by the said mayor, aldermen and commonalty.

Buildings or fences liable to fall may be taken down

39. *And be it further enacted*, That when in the opinion of the common council of the city of Albany, they shall deem any building, fence or other erection liable to fall down, and endanger the lives of any persons, it shall be lawful for the common council to direct the owner or occupant to have the same taken down within such reasonable time as they shall think proper, and in case such direction shall not be complied with, it shall be lawful for the common council of the said city to direct the same to be taken down at the expense of such owner or occupant, to be recovered with costs of suit from such owner or occupant, in an action of debt in the name of the chamberlain.

Public shows may be prohibited

40. *And be it further enacted*, That it shall be lawful for the common council of said city to prohibit any public shows or exhibitions in said city under the penalty of one hundred dollars for every offence, or to grant licenses therefor under such restrictions as they may deem proper, and that in their discretion they may exact and receive for such licenses, such sum or sums of money as they may think reasonable, not however to exceed the sum of ten dollars for any one license.

Care of capitol vested in common council

41. *And be it further enacted*, That the custody and care of the capitol be committed to the common council of the said city of Albany, and they are hereby authorised and empowered to pass such ordinances respecting the preservation of good order and the cleanliness of the same, as to them shall seem meet and proper.

Watch and lamp district

42. *And be it further enacted*, That all the estates, real and personal, situate within the city of Albany, west of Perry-street, shall be and hereby are declared exempted from taxation for the purpose of raising money to pay the city watch, to purchase oil, provide lamps, and to put up the same, and for repairing, cleansing and lighting the lamps which now are or hereafter may be erected within that part of said city which is situated east of Perry-street aforesaid, and for making, cleansing and repairing public wells and pumps within the said city, east of Perry-street as aforesaid.

Inhabitants deemed competent witnesses in certain suits

43. *And be it further enacted*, That upon the trial of any issue, or upon the taking or making of any inquisition, or upon the judicial investigation of any facts whatever, to which issue, inquest or investigation the mayor, aldermen and commonalty of the said city are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder or freeman of the said city: And that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Board of health

44. *And be it further enacted*, That it shall be lawful for the said common council from time to time to appoint so many of the members thereof as shall be thought necessary to form a board of health, to aid and assist the mayor and recorder of the said city to carry into effect the provisions of the several statutes which are or may be passed to preserve the health of the said city, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said board, in conjunction with the said mayor or recorder, shall have the like powers and authority for the purposes aforesaid as are possessed by the mayor and recorder and the board of health in the city of New-York: *And further*, That the members of the said board of health shall receive a reasonable compensation for their services, to be determined by the said common council, and paid by the mayor, aldermen and commonalty of the said city.

Superintendent of the markets

45. *And be it further enacted*, That the mayor of the said city, as clerk of the market, shall, at least once in every year, and oftener if he shall deem it necessary, by writing under his hand and seal, appoint one inhabitant of the said city, being a citizen of the United States, to be the superintendent of the markets in the said city, whose duty it shall be, under the direction of the said mayor, to inspect the weights, measures and balances that shall or may be used in the said markets, and to seize and destroy such as are not according to the established standard; and also to inspect, on every market day, all meats that may be exposed for sale in said markets, and to seize and destroy such as may be tainted or otherwise unfit to eat; and also to inspect the stalls in the said markets, and to cause the occupants to keep them clean, and to keep clean the equal half of the said markets fronting and adjoining to said stalls, and also to enquire into the conduct of all persons who shall expose for sale or vend any provisions in said markets, and whether they, or any of them, are guilty of any infraction of the by-laws of the common council, and to report all offenders against such by-laws to the chamberlain of the said city, whose duty it shall be forthwith to prosecute the offenders for the penalties annexed to their several offences.

Fees allowed to be taken by him

46. *And be it further enacted*, That it shall be lawful for the said superintendent of the market to exact and receive from the said butchers respectively such sums as the said common council shall from time to time prescribe, which sums the said superintendent shall account for to the said common council: *Provided always*, That it shall not be lawful for the said superintendent to exact and receive as aforesaid more than six cents for every quarter of beef, and four cents for every calf, sheep and hog, and two cents for every carcase of other meat, of whatsoever kind it may be, which shall be cut up or exposed for sale in the said market by any of the said butchers: *And further*, The said superintendent shall, before he enters upon the execution of his said office, take and subscribe an oath or affirmation before the mayor or recorder of the said city, well and faithfully to execute the duties of the said office, without favor, affection or partiality, and file the same in the office of the clerk of the said city.

Proviso

Mayor to license butchers

47. *And be it further enacted*, That it shall be lawful for the said mayor, by writing under his hand and seal, to license so many butchers within the said city as he shall deem necessary, subject to

such regulations as the common council may adopt, which license shall endure until the first Tuesday of May in every year next after their date, unless the same shall be sooner suppressed by the mayor or recorder, and any two aldermen of the said city, by reason of any infraction of the by-laws of the common council, or for other misconduct of such butcher in the course of their trade, which shall be enquired of and determined in a summary way.

Right of ferriage to and from Greenbush

48. *And be it further enacted*, That the right of ferry granted by the charter of the said city to the mayor, aldermen and commonalty thereof, shall be so construed as to vest in the said mayor, aldermen and commonalty, the sole and exclusive right of establishing, licensing and regulating all ferries on each side of the Hudson river, leading from Greenbush opposite the east bounds of the original four wards of the said city, to the said city, and from the said original four wards of the said city to Greenbush.

Mayor's salary

49. *And be it further enacted*, That it shall and may be lawful for the common council of the said city, to give and grant unto the mayor thereof for the time being, in lieu of all fees and perquisites, such salary, not exceeding per annum the sum of one thousand two hundred dollars, and not less than four hundred dollars, as such common council shall direct, payable out of the treasury of the said city quarter-yearly, and thereupon all sums of money payable to the said mayor for his services as such, shall be paid into the treasury of the said city for the use thereof.

Barriers across streets

50. *And be it further enacted*, That it shall be lawful for the trustees of any religious society in the city of Albany, with the consent of the mayor or recorder, or any two aldermen of the said city, to erect barriers across any streets in the said city, and contiguous to the respective places of worship in the said city, so as to prevent the passage of carriages during divine service on the Sabbath day, and such other days as are set apart for public religious worship by lawful authority: *Provided always*, That such barriers shall not be erected before nine o'clock in the forenoon, nor continue after five o'clock in the afternoon, and shall not obstruct the side walks of any street.

Board of assessors

51. *And be it further enacted*, That the assessors chosen in the several wards of said city shall form a board of assessors, and that an assessment roll for each ward shall as heretofore be made, but the valuations in each ward shall be determined by the board of assessors, or a majority of them.

Real estate for certain purposes when & how to be taken by the common council

52. *And be it further enacted*, That if in the opinion of the common council it shall be necessary, within the bounds of the first four wards of said city, to take the ground or other real estate, with the appurtenances, of any person, for the purpose of removing any encroachment on any street, by a building or otherwise, or for opening, widening, straightening, laying out or altering any street, wharf or slip, within the bounds last aforesaid, and the common council shall require the same, they shal give notice thereof to the owner or parties interested therein, or to his or their agents or legal representatives, and the said common council shall treat with such person for the same; and if any such person shall refuse to treat for such ground or other real estate, with the appurtenances, or the common cauncil cannot agree with such person for the same, it shall be lawful for the mayor or recorder, and any two or more aldermen, by a

precept under their hands and seals, to command the sheriff of the city and county of Albany to empannel and return, and he is hereby required to empannel and return a jury to appear before the mayor's court of the said city, at any term thereafter, not less than three weeks from the date of such precept, to enquire and assess the damages and recompense due to the owner or owners of such ground or other real estate, with the appurtenances, at the same time to summon the owner or owners of such ground or other real estate, with the appurtenances, or his or their agent or legal representative, by written notice to be left at his, her or their most usual place of abode, to appear before such mayor's court on the day and at the place in such precept to be specified, upon which venire the said sheriff shall summon a jury of twenty-four freeholders of said city, who shall be in no wise interested in the aforesaid questions of damages as aforesaid, twelve of which twenty-four shall be chosen by ballot, and constitute the jury for the purposes in the said precept specified, which said last mentioned jury, being first duly sworn faithfully and impartially to enquire into and assess the damages in question, and having viewed the premises (if necessary) shall enquire of and assess such damages and recompense as they shall, under all the circumstances, judge fit to be awarded to the owner or owners of such ground or other real estate or appurtenances, for their respective losses, according to their several interests and estates therein; and the verdict of such jury, and the judgment of said mayor's court thereon, and the payment of the sum of money so awarded and adjudged, to the owner or owners thereof, or tender or refusal thereof, shall be conclusive and binding against the said owner and owners, his and their respective heirs, executors, administrators and assigns, claiming any estate or interest of, in or to the same ground or other real estate and appurtenances; and it shall thereupon be lawful for the said mayor, aldermen and commonalty to cause the same ground, or other real estate and appurtenances, to be converted to and used for the purpose aforesaid: *Provided always*, That if such owner or parties shall be unknown to the common council, they shall cause notice as aforesaid of such intended appropriation, specifying therein the ground or other real estate or appurtenances to be appropriated, to be published three weeks successively in the newspaper printed by the printer to the state; and after the expiration of such notice, to cause the damages to be assessed in manner aforesaid without any other notice; and the sheriff in serving the venire aforesaid, instead of summoning such owner or parties to appear, may serve a notice in writing, of the time and place of return mentioned in such venire, on the occupants of the said premises, or if vacant, by affixing the same on some notorious part thereof, at least eight days before such return, which service shall be deemed a sufficient summons; and it shall also be sufficient to state in the venire that the premises belong to persons unknown: *And provided further*, That the common council may appropriate the premises aforesaid in case of unknown or non-resident owners or parties, before payment of the sum or sums assessed; and on such owners or parties, or either of them, applying to the mayor's court of the said city, and on proving the extent of his or their interest in the premises appropriated, to the satisfaction of the said court, such court shall thereupon ascertain and determine the part or portion of

Proviso

Further proviso

the sum assessed to be paid to such owners and parties so applying respectively, and enter the same in their minutes, a copy of which entry, under the seal of the said court, and certified by the clerk, shall entitle the said owners or parties respectively to the sum or sums so ascertained and determined; and in case of non-payment on demand, or in cases where the owners or parties shall be known and named in the venire, the said common council shall refuse or neglect, on demand, to pay the sum or sums assessed, the said parties, or either of them entitled to the same, may sue for and recover the same from the said mayor, aldermen and commonalty, in an action of debt, on a *mutuatus*, together with costs, in any court having cognizance thereof; and the proceedings under the said venire, and antecedent thereto, shall be conclusive evidence against the defendants.

Guardians for infants in cases of assessment

53. *And be it further enacted*, That where any known owner or party residing in the said city shall be an infant, and any proceeding shall be had under the preceding section, it shall be lawful for the mayor's court of the said city, upon application to them by the common council or by such minor, to appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and every subsequent notice and summons under the said section shall be made and served on such guardian instead of such infant; but if such infant resides without the said city, or be unknown, then proceedings shall be had in like manner as against absent or unknown owners under the preceding section, and with like effect.

Proceedings in case of assessment for opening streets, &c in fifth ward

54. *And be it further enacted*, That whenever the common council of the said city of Albany shall deem it necessary to lay out, open, extend, straighten or widen any street, road, avenue or square in the fifth ward of said city, it shall be lawful for the said common council to cause a notice to be published for four weeks successively, in the newspaper printed by the printer of this state, in the said city, specifying and describing as particularly as may be practicable, the ground with the appurtenances which may be required for either of the purposes aforesaid, and the time and place at which the damages and recompence which the owner or owners of such ground may be entitled to for the same, will be enquired into and assessed, and such damages and recompense apportioned and assessed among the owners or occupants of the houses and lots of ground, and other real estate which are to be benefitted by the intended public use of the ground, with the appurtenances which shall be required as aforesaid; and that it shall be lawful for the mayor or recorder and any two aldermen of the said city, by a precept under their hands and seals, to command the sheriff of the city and county of Albany, to summon and return a jury of twenty-four freeholders of the said city, who shall be in no wise interested in the aforesaid questions of damages and recompense, and the apportionment and assessment thereof as aforesaid, to the mayor's court of the said city, at the term specified for that purpose in such precept, which shall be the time and place expressed in the aforesaid notice; and that such precept shall be delivered to the said sheriff at least ten days before the return day thereof, who shall by virtue thereof summon and return such jury as aforesaid, twelve of whom shall be chosen by ballot and constitute the jury for the pur-

poses in the said precept specified; and that it shall be the duty of the said sheriff, at least six days before the return day of such precept, to serve on the owner or owners of the ground which shall be required as aforesaid for public use, if resident in the said city, or the occupant and occupants of such ground, to serve a written or printed copy of the notice to be published as aforesaid, directed to the owner or owners of such ground: *And further*, That in case the piece or pieces of ground so required shall be vacant, and the owner or owners thereof shall not reside in the said city, or shall be unknown, it shall be a sufficient service of said notice by the said sheriff to affix the same on some conspicuous part of such vacant premises: *And further*, That the said jury, when ballotted for as aforesaid, shall be sworn faithfully and impartially to inquire into and assess the damages and recompense which the owner or owners of the ground, with the appurtenances described and designated in the said precept shall be justly entitled to, and to apportion and assess such damages and recompense upon the owner or owners of all the houses and lots of ground which are intended to be benefitted by the public use of the ground, with the appurtenances, required as aforesaid, as nearly as may be in proportion to the advantages which such owner or owners shall be deemed to acquire; and that the said jury shall make and return under their respective hands into the said mayor's court, an inquisition in writing of the amount of the damages and recompense which they shall assess as aforesaid, and the persons to whom the same shall be assessed; and also of the apportionment thereof in the manner above directed; and shall also designate and describe the houses and lots of ground included in such apportionment; and that it shall also be the duty of the jury to set forth in the inquisition and apportionment the names of the owners, lessees and occupants of the houses and lots of ground upon which such damages and recompense, or any part thereof shall be apportioned and assessed, as far as the same can be ascertained; and that the said inquisition of the said jury shall be returned to the said mayor's court at or before the second term thereafter, and on being confirmed by the said court, shall be conclusive and binding as well upon the owner and owners as upon the lessees or occupants mentioned therein, or intended to be affected thereby, his or their heirs, executors, administrators or assigns; and that it shall be lawful for the said mayor, aldermen and commonalty to enter upon and take possession of the ground with the appurtenances, required for public use and assessed as aforesaid, and convert the same to the public use or uses for which it is required and has been assessed, under the restrictions hereinafter mentioned.

Assessments to be a lien

55. *And be it further enacted*, That the assessment and appraisment of the damages and recompense due to the owner or owners of any land required by the common council for the purposes in the last section specified shall, after having been completed and confirmed as aforesaid, be filed in the clerk's office of the city and county of Albany, and be a lien on the houses and lots designated in the said inquisition, on which the same has been apportioned and assessed as aforesaid from the time of such confirmation as aforesaid, until the same shall be paid or otherwise satisfied, with lawful interest from the time of said confirmation.

Notice to be published

56. *And be it further enacted*, That it shall be the duty of the

said common council within thirty days from the time of confirmation of such assessment and apportionment as last aforesaid, to cause a notice to be published in the newspaper printed by the printer of this state, in the city of Albany, requiring the owner or owners of the houses and lots or other real estate, with the appurtenances, upon which any part of the damages and recompense aforesaid may have been assessed and apportioned as last aforesaid, to pay the chamberlain of the said city the amount thereof, with interest from the time of the confirmation thereof as aforesaid; and that if default shall be made in such payment, such houses and lots and other real estate will be sold at public auction, at a day and place to be specified in such notice, for the lowest term of years for which any person shall offer to take the same, for the sum apportioned and assessed thereon, with interest as aforesaid; and if, notwithstanding such notice, the owner or owners shall neglect or refuse to pay such apportionment and assessment, with the charge of advertising, and the interest and costs accrued thereon, then it shall be lawful for the mayor, aldermen and commonalty, to cause such houses and lots or other real estate, to be sold at public auction as aforesaid, on the day and at the place in such notice specified for that purpose, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators and assigns, shall and may by virtue thereof and of this act, lawfully hold and enjoy the premises so sold, for his and their own proper use, against the owner or owners thereof, and all claiming under him or them, until his term shall be completed and ended, with full liberty to remove all the buildings and materials at the expiration of the said term which he or they shall have erected thereon.

Duty of the chamberlain to pay owners, &c

57. *And be it further enacted*, That it shall be the duty of the chamberlain, to pay to the owner or owners of the houses and lots or other real estate, with the appurtenances, for which any damage or recompense shall have been assessed as aforesaid, the amount of such damages and recompense, upon his or their producing a certificate from the clerk of the said mayor's court, that he or they is or are the owner or owners of the premises for which such assessment has been made and payment is required.

Buildings to be removed on notice, &c

58. *And be it further enacted*, That it shall be lawful for the said common council to order and direct the removal of any building standing on any lots or other real estate, which shall have been required and assessed as aforesaid, for any of the purposes aforesaid, on giving thirty days previous notice to make such removal; and in case of neglect or refusal on the part of such owner or owners to remove such building, it shall be lawful for the said common council to direct the city superintendent to take down and remove the same at the expense of such owner or owners, to be paid out of the proceeds of the sale of the materials of such building, which the common council are in such cases authorised to cause to be sold at public vendue on giving eight days previous notice of the time and place of such sale in one of the newspapers printed in the city of Albany.

Proceedings in case of unknown or minor owners

59. *And be it further enacted*, That when the owner or owners of any houses and lots of ground or other real estate, with the appurtenances, which may be required within the bounds of the said

fifth ward, by the said common council as aforesaid, are unknown, or an infant or infants, it shall be lawful for such owner, or the guardian of such infant or infants to prove his or their interest in such premises, before the said mayor's court; and upon the certificate of the clerk of the said court, of the extent of the said interest, and the amount assessed to be paid therefor, and the person or persons entitled to the same, the said common council are hereby authorised and required to pay the sum so assessed, to such person or persons, his or their attorney or guardian: *And further*, That in case any such sum or sums shall be paid by the said common council through mistake, to any person or persons who is not legally entitled thereto, it shall be lawful for the person or persons who shall be legally entitled thereto, his or their heirs, executors or administrators to sue for and recover the same, with lawful interest and costs of suit, from the persons who shall have received such sum or sums, in any action for money had and received, to his or their use.

Leases and agreements how affected by assessments

60. *And be it further enacted*, That in all cases where the whole of any lot, or other real estate, within the bounds of the said fifth ward, which is subject to a lease or other agreement, shall be required and taken by the said common council for any of the purposes aforesaid, all the covenants and stipulations contained in such lease or agreement, shall upon the confirmation of such assessment as aforesaid, by the said mayor's court, cease, determine and be absolutely discharged; and in all cases where a part only of such lot or other real estate, shall be required and taken as aforesaid, the covenants, contracts and stipulations shall cease, determine and be absolutely discharged, so far only as relates to such part; and that it shall be lawful for the said mayor's court, upon the application in writing, of either the landlord or tenant, or other party interested in the part of such lots or real estate, to appoint three disinterested freeholders, inhabitants of the said city, to determine the rents to be thereafter payable by virtue of such lease or agreement, for the residue of such lot or real estate, which shall be required and taken as aforesaid; and the determination in writing under the hands of the persons so appointed, or any two of them, on being confirmed by the said mayor's court, shall be conclusive and binding on all the parties who may be interested in the part of such lot, or other real estate, required and taken as aforesaid.

Salaries of certain officers

61. *And be it further enacted*, That it shall be lawful for the common council of said city, to allow such salaries or perquisites of office, to the recorder of the said city, and also to the different officers appointed by the said common council, as they shall deem just and reasonable: *Provided*, That nothing in this section contained, shall apply to the salary of the mayor.

Repealing clause

62. *And be it further enacted*, That all the laws relating to the city of Albany, that are inconsistent with the provisions of this act, be, and the same are hereby repealed.

Right of the legislature

63. *And be it further enacted*, That the rights, privileges and powers conferred by this act, which are not contained in any former charter of the city of Albany, shall be subject to the right of the legislature at any time to repeal, alter or modify the same.

CHAP. 186.

AN ACT *to enable the Mayor, Aldermen and Commonalty of the City of Albany to dispose of Tickets in a Lottery heretofore granted, and to limit the continuance of the same.*

Passed April 13, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Albany, to contract with any person or persons that they may deem proper, for drawing the lotteries authorised in and by the act, entitled "an act to enable the mayor, aldermen and commonalty of the city of Albany to dispose of their public lands by lottery," and that the person or persons with whom they shall so contract, shall have a right to form such schemes for the said lottery, and to mix the prizes for the same with the money prizes in the lottery authorised to be drawn under and by virtue of the act entitled "an act to limit the continuance of lotteries," passed the fifth day of April eighteen hundred and twenty-two, and in the lottery authorised to be drawn, under and by virtue of the act entitled "an an act to provide for the erection of a fever hospital in the city of New-York," passed the twenty-fourth day of March, eighteen hundred and twenty-three: *Provided nevertheless*, That the consent of the literary institutions interested in the lottery to be drawn, under the act to limit the continuance of lotteries, or the person or persons charged with the supervision and care of the same, and also the consent of the assignees of the said grant for the erection of a fever hospital in the city of New-York, be previously obtained: *And provided also*, That the land prizes so mixed, and the tickets sold therefor, shall not in the whole exceed the sum of two hundred and fifty thousand dollars.

Contract may be made for drawing the lotteries

Proviso

2. *And be it further enacted*, That in case the said literary institutions or their authorised agent or agents aforesaid, and the assignees of the grant to the city of New-York as aforesaid, shall consent to the mixing of said loteries and prizes as aforesaid, so that all the existing grants for lotteries may be closed within the time now limited by law for closing the drawing of the said lotteries in which they are respectively interested; that it shall and may be lawful for each of them to change the schemes of the said lotteries in which they are now respectively interested, in such manner as to admit of the mixing of said land and money prizes as aforesaid, and in lieu of the tickets in the schemes which they were heretofore authorised to dispose of, it shall be lawful for them to dispose of tickets at their discretion, in the schemes of mixed prizes herein authorised during the time contemplated and prescribed for finishing the drawing of the present lotteries, in and by the first enacting clause of the act entitled "an act to limit the continuance of lotteries," passed the fifth day of April eighteen hundred and twenty-two, as the said time is calculated and estimated by the comptroller in his certificate

Schemes may be changed

made under and by virtue of said enacting clause, on file in the office of the secretary of this state, and as the said time is also provisionally reconsidered and restricted as aforesaid, or proportionally extended in a second certificate of the said comptroller, made and given under the fifth section of the said act, and also filed in the office of the secretary of this state.

Security

3. *And be it further enacted*, That the same security shall be given for the payment of prizes in the aforesaid schemes of mixed prizes, previous to the sale of any of the tickets in the said lottery, as is required for the payment of all prizes in the schemes authorised in and by the act to limit the continuance of lotteries.

Part of former act repealed

4. *And be it further enacted*, That any thing contained in the act to limit the continuance of lotteries, the act entitled "an act to authorise and provide for the erection of a fever hospital in the city of New-York," or in the act entitled "an act to enable the mayor, aldermen and commonalty of the city of Albany to dispose of their public lands by a lottery," inconsistent or repugnant to any of the provisions in this act, be and the same is hereby repealed.

Contracts and schemes how to be approved of

5. *And be it further enacted*, That any contract to be made by the mayor, aldermen and commonalty of the city of Albany, pursuant to the provisions of the first section of this act, shall be made with the consent of the commissioners appointed pursuant to the provisions of the act entitled "an act to regulate and improve the finances of the city of Albany;" passed March twenty-fourth, eighteen hundred and eighteen, or a majority of them, and not otherwise; and all schemes of mixed prizes mentioned in the said first section of this act, shall, before tickets shall be issued or sold pursuant to any such scheme, be submitted to the said commissioners and approved of by them, or a majority of them, which approbation shall be endorsed upon such scheme, signed by the commissioners approving of the same, and published with every such scheme.

Plan of allotment, how to be approved of

6. *And be it further enacted*, That a plan of the allotment of any prizes of land proposed to be mixed in any such scheme, and disposed of pursuant to the provisions of the said act, shall, before any mixed scheme containing those prizes is made and approved, pursuant to the directions of the last preceding section of this act, be made out and submitted to the attorney-general and comptroller of this state, and be by them approved of by an endorsement made thereon, signed by them, which said endorsement shall also be published with every such mixed scheme, made out pursuant to the provisions of this act, before any ticket shall be issued or sold pursuant to any such mixed scheme.

Duty of the attorney general & comptroller

7. *And be it further enacted*, That it shall be the duty of the said attorney general and comptroller from time to time to keep an account of the amount of tickets to be sold under any allotment approved by them, and to refuse their approbation to any further allotment, whenever the amount of tickets sold or to be sold under the allotment which have received their approbation, added together, shall amount to the sum of two hundred and fifty thousand dollars; and in case the value of all the lands to be sold by virtue of this act, as valued and appraised pursuant to the provisions of the act entitled "an act to enable the mayor, aldermen and commonalty of the city of Albany to dispose of their public lands by a lottery," passed April fourteenth, eighteen hundred and twenty, shall not amount to

the said sum of two hundred and fifty thousand dollars, then the whole value of the allotments to be approved by the said attorney-general and comptroller, shall not exceed the appraised value of the said lands.

CHAP. 187.

AN ACT *relative to the Sales of Lands belonging to the People of this State, and to prevent trespasses on public Lands.*

Passed April 14, 1826.

Conditions of sale

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in all sales which shall hereafter be made of the lands belonging to the common school fund, or of any part thereof, it shall be lawful for the commissioners of the land-office, in their discretion, to direct that the conditions of such sale shall be the payment within forty-eight hours of any part of the consideration money, not less than one eighth and not more than one half thereof; or to require that the purchaser shall give collateral security, by a sufficient bond and martgage on other property, to ensure the payment of so much of the consideration money of such sale as shall not be paid within forty-eight hours.

Duty of commissioners of land office

2. *And be it further enacted*, That if any one payment, stipulated to be made in any obligation that has been or shall be taken by the surveyor-general, on the sale of lands belonging to this state, shall remain due one year after the same ought to have been made, it shall be the duty of the commissioners of the land-office, whenever they direct a sale of the land pursuant to the provisions of the eighth* section of the "act concerning the commissioners of the land-office, and the sale of the unappropriated lands," to cause the occupant of such land to be removed therefrom, and to direct the district attorney of the county in which such land may be situated, to enter a complaint against such occupant for residing on the said land, before one of the judges of the court of common pleas of the county, who shall proceed to examine into the matter; and on due proof of the fact that such occupant has neglected to make such payment as aforesaid, he shall issue his warrant, according to the provisions of the act entitled "an act respecting intrusions on Indian lands;" and the same shall be executed by the sheriff of the county; and if any person so removed shall return to settle or reside upon such lands without the consent of the surveyor-general, such person, on being convicted in the manner specified in the second section of the said act, shall be liable to imprisonment in the county goal for the space of thirty days; and the same proceedings shall be had as are prescribed in the said second section; and the said judge, sheriff and district attorney shall be entitled to receive the same fees as are provided for similar services in the aforessid act.

Sheriffs and district attorneys to be directed

3. *And be it further enacted*, That it shall be lawful for the commissioners of the land-office to require the sheriff of any county,

* This word is to be read *eighteenth*—see sec. 4, of chap. 321 of the Laws of this Session.

in which any lands belonging to the people of this state, for which patents have not been issued, may be situated, or in which there may be any lands belonging to any Indian tribes, to examine and report to them and the district attorneys of their respective counties, any trespasses that may be committed on such lands, by cutting or carrying away the timber thereon; and it shall be the duty of the said district attorneys on receiving any such report, and also whenever directed by the commissioners of the land-office, to present indictments against such trespassers, to the grand juries of their respective counties; and to cause the witnesses to support the same, to be duly subpœned and to conduct such prosecutions to a final determination.

Right to cut timber limited

4. *And be it further enacted*, That the certificate of sale given by the surveyor-general for any lands that have been or may be sold by him, shall not be deemed to confer upon the purchaser any right to cut down or destroy any kind of wood or timber, standing or growing upon such land unless such right shall be expressly granted in and by such certificate: *Provided*, That where a right of entering into the possession of any land so sold, shall be vested in the purchaser, nothing herein contained shall be construed to prevent such purchaser from actually using and applying any wood or timber on such land, to the purpose of erecting fences or buildings thereon, or from using the necessary fire wood growing thereon in his family, or from actually and fairly improving any such land for the purposes of cultivation.

Proviso

Penalty for cutting timber

5. *And be it further enacted*, That if any person shall hereafter trespass on any land belonging to the people of this state, by cutting or carrying away timber growing thereon, excepting such persons as shall come within the proviso of the preceding section, he shall forfeit and pay the sum of twenty-five dollars for every tree that shall be cut or carried away; to be recovered, with costs of suit, in any court having cognizance thereof, in the name of the people of this state; and it shall be the duty of the district attorney of the county where such trespasses shall be committed, on complaint being made to him, to prosecute for the said penalties, and shall apply the monies collected, in the first place, to the payment of the costs and expenses incurred, including a reasonable compensation to the witnesses who shall attend in behalf of the people, to be certified by the court before which such recovery shall be had, and shall pay the residue thereof into the treasury of the county; and whenever any execution shall be issued, pursuant to such recovery, and the body of any defendant shall be arrested thereon, he shall be imprisoned according to law, without being entitled to the liberties of the limits of the gaol.

CHAP. 188.

AN ACT *for the Relief of James Renwick, William Renwick, Jane Renwick, Agnes Renwick, Isabella Smedberg, Robert I. Renwick and John Renwick, Heirs and Devisees of Sarah Kemp, otherwise Campbell, of Mosquito Cove, in Queens County, deceased.*

Passed April 14, 1826.

Preamble

WHEREAS Sarah Kemp, formerly of Queens county, having intermarried with John Kemp Campbell, of Aberdeen, in Scotland, her paternal cousin, died leaving her last will and testament, duly made and executed before marriage, unrevoked, save by her said marriage, by which the parties herein before named, her only maternal cousins, were made devisees, and Sarah Kemp and Alexander Robertson, of the city of New-York, trustees of certain property in this state, and having died seized of a small piece of land at Mosquito Cove, acquired subsequent to her said will: *And whereas* the said Sarah having deceased without issue, and her said husband being an alien, and incapable of inheriting as heir at law, and having duly and legally confirmed the said will, and released all his claim, as heir at law and only paternal cousin of his deceased wife, to her real estate aforesaid, and being willing and anxious that the persons herein before named should succeed to the said property so aforesaid: Therefore,

Will of Sarah Kemp declared valid

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the last will and testament of Sarah Kemp, otherwise Sarah Campbell, bearing date the fifteenth day of February, in the year one thousand eight hundred and twenty, proved before and recorded in the office of John W. Seaman, surrogate of Queens county, be and the same is hereby declared valid and effectual in law, as to the devises and dispositions of her estate, real and personal, (except as to the shares of the capital stock of the Mechanics' bank therein mentioned, which said shares were sold and disposed of by the said Sarah in her life time,) in the same manner and with the like effect as if the said Sarah Kemp, otherwise Campbell, had not intermarried, subsequent to the date and execution of the said last will and testament, with the said John Kemp Campbell: *And further*, That the executors or acting executors in the said will named may have, take and hold the estate, real and personal, of which the said Sarah Kemp, otherwise Campbell, died seized or possessed, for the uses, trusts and purposes in the said will expressed.

Right of the state relinquished

2. *And be it further enacted*, That all the right, title and interest which the people of this state may have acquired by reason of the alienism of the said John Kemp Campbell, of, in or to the real estate of which the said Sarah Kemp, otherwise Campbell, died seized, be and the same is hereby relinquished and released to the several devisees named in the said last will and testament of the said Sarah Kemp, otherwise Campbell, in the proportions and for the purposes in said will expressed.

Right of citizens not to be barred

3. *And be it further enacted*, That nothing herein contained shall be construed to bar, preclude, or in any wise to affect the right or title which any citizen of the United States may have to the real estate of which the said Sarah Kemp, otherwise Campbell, died seized.

CHAP. 189.

AN ACT *to amend an Act, entitled "An Act to incorporate the Aqueduct Association in the Village of Little Falls, in the County of Herkimer," passed March* 14, 1806.

Passed April 14, 1826.

Common seal

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said Aqueduct Association in the village of Little Falls may have a common seal, with power to alter the same; that the shares of stock in the said company shall not exceed thirty dollars each; and that the stock, property, real and personal estate, interest and concerns of the said company shall be managed and conducted by the treasurer, clerk, collector and superintendent, and three trustees, being stockholders, and inhabitants of the said village of Little Falls, to be denominated "The Board of Managers of the Aqueduct Association of the village of Little Falls," a majority of whom shall form a board, and who shall hold their office for one year; and the said treasurer, clerk and collector, and superintendent and trustees, shall be elected on the first Monday in June, in each and every year hereafter, at such time and place within the said village as the treasurer or board of managers for the time being shall appoint, whereof public notice shall be given by the clerk of the said association in one or more of the public newspapers printed in the said county of Herkimer, or by putting up such notice in at least three of the most public places in the said village, at least fourteen days immediately preceding the time of holding such election; and the said election shall be held by the treasurer of the said association, or by the said board of managers, or by such one or more of them as they shall appoint, and shall be made by such of the stockholders as shall attend in their own proper persons or by proxy, and each share shall be entitled to one vote; all elections shall be by ballot, and the persons having the greatest number of votes for treasurer, clerk, superintendent, and collector and trustees at any election, shall be the treasurer, clerk, superintendent and trustees; and in case any two or more persons shall, at any such election, have an equal number of votes, in such manner that a greater number of persons than one treasurer, one clerk, one superintendent and collector, and three trustees shall, by a plurality of votes, appear to be chosen as such treasurer, clerk, superintendent and collector and trustees, the said stockholders herein before authorised to vote at such election shall proceed to ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be the treasurer, clerk, superintendent and collector, trustee or trustees, so as to complete the whole number; and if the said treasurer, clerk, superintendent

Officers

Election

and collector, or any one or more of the said trustees shall die, resign or move from the said village before the expiration of the year for which he or they shall have been elected, his or their place or places shall be filled by such person or persons as shall be elected for that purpose by the remainder of the said board of managers, or a majority of them; and in case it shall at any time happen that an election of treasurer, clerk, superintendent and collector, and trustees, should not be made on the day when, pursuant to this act, it ought to have been made, this act shall not for that cause be deemed to be repealed, or the powers herein contained revoked or annulled; and it shall and may be lawful for the treasurer of the said company, or board of managers last chosen, to order an election to be held on any other day within three months thereafter, of which public notice shall in like manner be given at least ten days preceding the time of holding the same.

Meetings

2. *And be it further enacted*, That the said board of managers so to be chosen and constituted shall have power to prescribe the time or times for their stated meetings, choose a presiding officer from their own body, and to elect and appoint three competent persons, being stockholders, as assessors, and such other officers and agents of the said company as may be necessary to carry into effect the objects of the act incorporating the said company, and of this act amending the same, and to make and ordain all such by-laws, ordinances, rules and regulations relative to the said conduits and aqueducts, and other matters and things relating to the same, as they may deem proper and necessary for the superintendence, regulation and management of the same, and of such as may be added thereto, and for the alteration, preservation and reparation thereof, and relative to all other property, interest, estate real and personal, and concerns of the said company; and the said board of managers may ordain and prescribe such fines and penalties for the breach and non-performance of any of the said by-laws, as to them shall seem proper, which fines and penalties shall not exceed, in any one case, the sum of twenty-five dollars; and all fines and penalties which shall exceed the sum of two dollars and fifty cents may be recovered by the said association or company in their name, and for their own use, by action of debt, in any court within the county of Herkimer having cognizance thereof; and all fines and penalties not exceeding the said sum of two dollars and fifty cents shall and may be collected by the collector of the said company, in the manner and by the same process as the collector shall collect the tax or rate on water, as hereafter regulated in the fifth section of this act, for the use of the said company.

By laws

Fines

Improvements

3. *And be it further enacted*, That it shall and may be lawful for the said board of managers of the aqueduct association in the village of Little Falls, and their superintendents, artists, workmen and labourers, with carts, waggons and other carriages, with their beasts of draft and burthen, and all necessary tools and implements, to enter upon any of the lands, streets and other places mentioned in the third section of the act hereby amended, to do and transact all necessary acts, matters and things in the said section contained, relative to the said aqueducts and conduits, and supplying the said village with pure and wholesome water, according to the true intent and meaning of the said act hereby amended, doing as little da-

mage thereunto as possible, and repairing and mending any breaches or other injury they make and commit to such lands, streets, lanes, alleys, public grounds, turnpike roads or highways: *Provided always*, That no public street, lane or highway shall be dug into, or in any wise injured or defaced, without the permission of the trustees of said village first had and obtained: *And provided also*, That damages done on any lands by said company or their agents, shall be estimated and appraised by three indifferent persons not being stockholders in the said company, or inhabitants of the said village, under oath or affirmation, to be appointed by a judge of the county court of said county of Herkimer, not residing in said village of Little Falls, on the application of the said board of managers or the party aggrieved; which damages when so assessed by the said appraisers, or any two of them, shall be forthwith paid by the said company to the owners of such lands; and for the recovery of which such owner may, after demand and refusal to pay by the said company, have his action of debt in any court of competent jurisdiction in this state.

Provise

Tax

4. *And be it further enacted*, That it shall and may be lawful for the said association or company, by their agents the said board of managers to impose on the inhabitants of the said village, who shall use the water brought into the said village by said company, such an annual rate or tax as shall be deemed just and reasonable therefor, which said rate or tax shall be assessed, levied and collected in the following manner, to wit: it shall be the duty of the said assessors to be appointed by the said board of managers according to the provisions of this act, within fifteen days after every annual election of charter officers according to the foregoing provisions, each and every year, to assess upon each and every inhabitant of the said village using the water of the said company, such rate or tax as may be deemed just and reasonable, taking into consideration the quantity of water used and consumed by such inhabitant, and also, the convenience thereof for such use and consumption to such inhabitant; and that the said assessors shall make an assessment list or roll of their said rate or tax, containing the names of the said inhabitants by them assessed, and the amount of the rate or tax imposed by them, and within five days after the expiration of the said fifteen days, shall file the same with the clerk of the said company, signed by the said assessors or any two of them; and if any such inhabitants or inhabitant shall feel themselves, himself or herself aggrieved by the said assessment in manner aforesaid made, it shall and may be lawful for such inhabitant within ten days thereafter, to appeal from such taxation or assessment, to three of the justices of the peace of the said county, residing nearest to, and not in said village, who shall not be stockholders of the said company, whose duty it shall be forthwith to confirm, alter or reduce the said assessment in such manner as to them shall be deemed just and equitable under all the circumstances of the case, and whose decision thereon shall be final in the premises; and that if the said assessment shall be confirmed, then the person appealing therefrom shall pay to the said justices their reasonable charges, and if the said assessment shall be reduced, then the said company shall pay such charges: *Provided*, That the said charges of the said justices shall not in any one case exceed the sum of three dollars.

5. *And be it further enacted*, That at and after the expiration of the said ten days all the said assessment, rate and tax made and assessed according to the provisions of the next preceding section, which is not appealed from, shall be deemed and taken to be confirmed, and shall not then be subject to be reduced or altered in any manner whatever; and if any of the inhabitants of the said village, using the said water of the said association or company, shall neglect or refuse to pay such rate or tax as shall be imposed as aforesaid for the use of the said water, by and for the space of three days after the demand made at his, her or their store, grocery, shop or dwelling-house or last place of residence, it shall be the duty of the collector of the said association or company, immediately thereafter, to enter complaint thereof in writing, to any justice of the peace of said county of Herkimer, who shall issue a warrant under his hand and seal, directed to any constable of the said county of Herkimer, and commanding him forthwith to levy and collect the said rate or tax, together with the costs, of the goods and chattels of such person or persons who shall so neglect or refuse to pay the same, and return the said warrant within ten days; for which services the said justice shall receive twenty-five cents, and the said constable shall receive the same fees as are allowed for like services, by the act entitled "an act for the better and more speedy recovery of debts of the value of fifty dollars:" *Provided*, The said costs shall not exceed two dollars and fifty cents; and it shall be the duty of the said constable to make sale of the said goods and chattels of such delinquent, if any can be found before the return day of the said warrant, giving three days public notice of the time and place of such sale, and to make return of the said warrant as he shall be therein commanded; in default of which the said constable shall be deemed liable to pay the said rate or tax and costs, and may be sued for the same by the said board of managers, in the name of the said company or association, in an action of debt in any court having cognizance thereof. When confirmed

6. *And be it further enacted*, That the said assessors, when chosen or appointed in manner aforesaid, shall respectively, before they enter upon the duties of their respective offices, take and subscribe before a judge of the county courts of the said county, or any justice of the peace of said county, who are hereby authorised to administer the same, an oath or affirmation well and faithfully to execute their said office and trust, according to the best of their ability, skill and understanding, without partiality, which said assessors so elected, chosen and qualified, shall continue in their said office until others be duly chosen and qualified in their respective places; and the said board of managers may by ordinance, or by law, direct the same oath or affirmation to be in like manner administered to any of the agents or officers of the said association, or any other agent whom they may constitute and appoint in pursuance of this act. Assessors to take an oath

7. *And be it further enacted*, That the clerk of the said company or association, in addition to the duties prescribed by the act hereby amended, shall keep the minutes of and record all the votes and elections of the said company, and all the ordinances, by-laws, resolutions, transactions and proceedings of the said board of managers, and shall keep a proper book, in which he shall duly enter the names of all the stockholders of the said company, together with Duty of the clerk

their several and respective rights and shares of in and to the stock, real and personal estate of the said company, or to the said conduits or aqueducts, according to such rule or by-law as the said board of managers shall or may hereafter prescribe and direct for that purpose, and shall also duly enter in the same book every transfer and assignment made or hereafter to be made of any right or share of, in or to the same stock, real and personal estate, or to the same conduits or aqueducts, according to such rule or by-law as the said board of managers may hereafter direct and prescribe for such purpose, which entry so to be made by the said clerk, shall be deemed evidence of such transfer or assignment; and no person shall be considered a stockholder of the said company, after the space of six months after the passing of this act, until the evidence of his right or share shall be entered as aforesaid; and the treasurer of the said association or company, shall keep a book in which he shall enter all receipts, advances and expenditures, of all sums of money by him received, advanced or paid out according to the aforesaid directions of the said board of managers or of the stockholders; and the said treasurer, clerk, superintendent and collector shall likewise do, perform, and transact all other duties, matters and things committed to them respectively by any law, rule or ordinance to be made in pursuance of this act, or in pursuance of the act hereby amended, by the said board of managers or by the stockholders of the said company.

Trustees may take stock

8. *And be it further enacted*, That the trustees of the village of Little Falls for the time being, shall be at liberty, at any time, to subscribe for and have four shares of stock in the said association or company, or any less number; and if the trustees of the said village for the time being, shall not think proper to subscribe for and have any shares of stock in the said association, then the said company or association shall not be held in any manner liable to supply the reservoirs constructed by the corporation of the said village for the purpose of aiding and assisting in extinguishing fires in the said village, without a just and fair equivalent therefor, to be paid by the corporation of said village.

Springs and streams may be leased

9. *And be it further enacted*, That the said board of managers be, and hereby are authorised to bargain for, purchase or lease any springs, wells or fountains of water, and so much land as shall be sufficient and necessary for ths use and preservation thereof, and of their works and improvements for supplying the inhabitants of said village with wholesome water, and to receive and take title therefor, by deed or lease from the owner or owners of such springs, wells, fountains of water and land; and if any person or persons whatever, shall wilfully trespass or do any damage whatsoever to the said springs or fountains belonging to the said company or association, or to the lands that are adjoining to or about the said springs and fountains, and appropriated as aforesaid, for the protection and preservation thereof, or shall do any act whatever, whereby any of the works of the said association or company, or any part of such works, or any matter or thing appertaining to the same shall be injured, the person or persons so offending shall forfeit and pay to the said association, treble the amount of the damages, to be recovered by the said aqueduct association in the village of Little Falls, for their own use, with costs of suit by an action of debt in any court of this state

having cognizance thereof: *Provided* it shall not be lawful for the said association to deprive any person of the use of any fountain or stream of water to which they were legally entitled before the passage of this act.

10. *And be it further enacted*, That the said corporation or board of managers shall not use any of the funds of the said corporation, or be engaged in any banking or insurance operation, or the issuing of any paper intended as a circulating currency, or the purchasing, discounting or loaning of any money, bonds, bills or negotiable paper whatsoever. Banking &c prohibited

11. *And be it further enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts and places, favorably and benignly for every benificial purpose therein contained. A public act

12 *And be it further enacted*, That the legislature may at any time hereafter alter, modify or repeal this act. Right to repeal

CHAP. 190.

AN ACT *to authorise the Supervisors of the County of Genesee, to raise money advanced by the Commissioners to complete the building of a Bridge over the Tonawanta Creek.*

Passed April 14, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the board of supervisors of the county of Genesee be, and they are hereby authorised at their next annual meeting, to direct to be assessed, levied and collected upon and from the freeholders and inhabitants of the town of Batavia, in the said county, the sum of three hundred dollars in the same manner that the other monies and contingent charges of the said town are by law assessed, levied and collected; and it shall be the duty of the collector of the said town of Batavia to pay the money hereby directed to be collected, to Ephraim Towner, Ebenezer Mix and Nathan Follett, the commissioners appointed in and by an act entitled "an act to authorise the supervisors of the county of Genesee, to raise money to build a bridge over the Tonawanta creek in the town of Batavia," passed April 1, 1824, whose duty it shall be to account for the faithful expenditure of the same with the said board of supervisors, according to the provisions of the act above referred to. $300 to be raised by tax

2. *And be it further enacted*, That in addition to the above sum authorised to be raised, the said supervisors are hereby authorised to cause to be assessed, levied and collected as aforesaid, upon and from the said freeholders and inhabitants, an additional sum, equal to the interest of the said three hundred dollars, from the time the same was expended by the said commissioners, and which shall be equal to the loss which the said commissioners can make it appear to the said supervisors they have sustained in consequence of the same not having been collected in pursuance of an act of the legislature in relation thereto, passed April 13, 1825. Additional sum to be raised

oxen; for every score of horses, mules or cattle, twenty-five cents, and so in proportion for a greater or less number; for every score of sheep, or hogs, twelve and a half cents, and so in proportion for a greater or less number.

Directors

4. *And be it further enacted*, That the number of directors for managing the concerns of the company shall be five, and three of whom shall be a quorum, and capable of managing the business of the said company; and that the said company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the aforesaid act entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said general act: *Provided*, That the chord of the arch of the said road hereby authorised to be made, shall not be less than sixteen feet: *Provided*, That the legislature may at any time alter, modify or repeal this act.

Proviso

CHAP. 193.

AN ACT *to incorporate the Greenbush and Troy Turnpike Company.*

Passed April 14, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William Akin, John Townsend and Gilbert Rieley, and all such other persons as shall associate for the purpose of making a good and sufficient turnpike road, to begin at or near the ferry at the village of Greenbush, and extending from thence to the compact part of the city of Troy, by the way of what is called the Slitting-mill Dock, and to be located as near the margin of the Hudson river as the nature of the ground will conveniently admit, and their successors, be and they are hereby created a body corporate and politic, by the name of "The President, Directors and Company of the Greenbush and Troy Turnpike;" and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, and by that name they and their successors shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, complaints, matters and causes, and may make and use a common seal, and may alter the same at pleasure; and by the same name and style shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate, as well real as personal, so to be purchased and held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatsoever.

Style &c

Proviso

Stock

2. *And be it further enacted*, That the stock of said company shall consist of one thousand shares, of twenty dollars each; and that Samuel Gale, George Vail, James Woods, John Townsend and Abraham P. Staats, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner direct-

ed in and by the act, entitled "an act relative to turnpike companies," passed 13th March, 1807.

3. *And be it further enacted*, That as soon as the road hereby authorised shall be completed, and a license obtained in the manner specified in the act above referred to, it shall and may be lawful for the said president, directors and company to cause a gate to be erected on the same road, and to exact of every person passing the same the tolls herein after mentioned, that is to say: for every cart, wagon, stage or other four-wheel carriage drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox attached to such cart, wagon, stage or four-wheel carriage, three cents; for every chariot, coach, coachee, razee or phæton drawn by two horses, nineteen cents, for every additional horse attacched to the same, three cents; for every cart or wagon drawn by one horse, mule or ox, eight cents, and for every additional horse attached to the same, four cents; for every horse and and rider, four cents; for every horse led or driven, three cents; for every chaise, chair, sulkey or other pleasure carriage drawn by one horse, twelve and an half cents, and for every additional horse attached thereto, three cents; for every sled or sleigh drawn by one horse, mule or ox, four cents; for every score of cattle, horses or mules, twenty cents; and for every score of hogs or sheep, twelve cents, and so in proportion for a greater or less number. Rates of toll

4. *And be it further enacted*, That it shall and may be lawful to and for the said president, directors and company, at any time, and for such time as in their discretion they may think proper, to diminish the said tolls in such proportions as they shall think proper, and to erect and exact said tolls at two gates on said road instead of one: *Provided*, The toll to be exacted at the said two gates shall not exceed in amount the sums which they are, in and by this act, authorised to exact at the said one gate. May be diminished

5. *And be it further enacted*, That Samuel Cheever, Stephen Covel and James Woods, or any two of them, be and they are hereby appointed commissioners to survey and lay out said road, subject to the regulations and restrictions prescribed and contained in the aforesaid act, entitled "an act relative to turnpike companies," and to execute and perform all the duties therein mentioned, as fully as if the said commissioners had been appointed in the manner prescribed by the said act. Commissioners

6. *And be it further enacted*, That the said president, directors and company hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities which are given and granted in and by the before mentioned "act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act. Privileges

7. *And be it further enacted*, That the legislature may, at any time hereafter, alter, modify or repeal this act. Legislature may repeal

CHAP. 194.

AN ACT *to incorporate the Fort-Edward Bridge Company.*

Passed April 14, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all such persons as shall become subscribers to the stock hereafter described, in the manner hereafter mentioned, shall be, and they are hereby constituted and declared a body politic and corporate, by the name of "The Fort Edward Bridge Company," for the term of twenty-five years from and after the passing of this act; and by that name they and their successors shall and may hereafter have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may alter and change the same at their pleasure; and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation: *Provided*, The said real estate so to be holden shall be such only as shall be necessary to promote or attain the object of this incorporation.

Style &c

Subscriptions

2. *And be it further enacted*, That Daniel W. Wing, John McIntyre, Walter Rogers, Abram I. Fort and George Reynolds, be and they are hereby appointed commissioners to open a subscription in a book or books to be by them provided for the purpose, and to receive subscriptions for the stock of said company in shares not exceeding three hundred; and such subscription shall be opened in the town of Fort-Edward, at such time and place as the said commissioners, or a majority of them, shall appoint, by notices to be put up in two or more public places in the towns of Fort-Edward and Moreau respectively, at least ten days before the time appointed; that the shares of the said stock shall respectively be twenty dollars, and every stockholder be entitled to one vote at all elections for each share held by him or her to the number of twenty-five, and one vote for every five additional shares; that if the requisite number of shares shall not be subscribed for at the time and place appointed for such subscription, the said commissioners, or a majority of them, shall take such measures for obtaining such subscriptions as they may deem expedient and proper; every subscriber shall, at the time of subscribing, pay to either of the said commissioners the sum of one dollar for each share subscribed.

Directors to be chosen

3. *And be it further enacted*, That as soon as two hundred shares shall have been subscribed for, the said commissioners, or a majority of them, shall give notice thereof in manner aforesaid, and appoint a time and place in such notices for such subscribers to meet for the purpose of choosing seven directors of said company, of which election the said commissioners, or such one or more of them as may attend, shall be inspectors, and his or their certificate of the names of the persons elected directors shall be conclusive evidence of such election; and the first Monday in the month in which such

election shall be held, shall be the anniversary day for all subsequent elections of directors; and a majority of said directors shall be a quorum, and be capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on said corporation; and the said directors elected by the plurality of votes of the stockholders present, shall immediately proceed to the choice of one of their number for a president; and the said president and directors may meet from time to time, at such time and places as they may find expedient, and direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be necessary for the well ordering the affairs of the said corporation.

Bridge to be built in two years.

4. *And be it further enacted*, That the said company hereby incorporated, shall with all convenient speed, and within two years from and after the passing of this act, construct a good and substantial bridge across the Hudson river, at some point between the upper end of the island lying opposite the village of Fort.Edward, (belonging to Walter Rogers,) and the lower end of the same, which bridge shall be of the breadth of not less than twenty feet, and be kept in good repair by the said company, during the term aforesaid.

Land to be taken possession of

5. *And be it further enacted*, That the said president, directors, their agents, artists or other persons employed by them, may enter upon and take possession of the land on each side of the river, and on the island where said bridge shall be erected; and the said corporation on taking possession of any such land, and on receiving a conveyance thereof, shall pay the value of so much of the same as may be necessary for making and erecting said bridge, and establishing a gate, toll-house and other works to the said bridge belonging, and in case of disagreement between the parties as to such value, the same shall and may be ascertained by three indifferent freeholders of the county where such lands lie, who shall be appointed for that purpose, by and sworn to make a just valuation to the judges of the common pleas of the same county, or any three of them not interested therein, on application from the said president and directors, to them for such appointment.

Rates of toll

6. *And be it further enacted*, That as soon as the said bridge shall be completed, and the judges of the court of common pleas of the county of Washington, or any two of them not interested therein, shall, upon inspection, certify under their hands, that the said bridge is well and sufficiently built conformable to this act, and will admit of the passage of teams of burthen, it shall and may be lawful for the said president and directors, to erect a gate at the end of said bridge, and demand and receive for the use of the said corporation the following rates of toll, namely: for every four wheel pleasure carriage, drawn by four horses, fifty cents; every four wheel pleasure carriage, drawn by two horses, thirty-seven and a half cents; every curricle, chair or sulkey, with one horse, eighteen cents, and if drawn by two horses, twenty-five cents; every waggon drawn by two horses, eighteen cents, and every additional horse four cents; and for every sled or sleigh, with two horses, twelve and a half cents; and four cents for every additional horse; every waggon or cart drawn by two oxen, eighteen cents, and nine cents

for every additional yoke of oxen; for any one horse waggon, cart, sleigh or sled, twelve and a half cents; for every man and horse, nine cents; and every foot passenger, three cents; for every horse, jack or mule, four cents; for every cow or other neat cattle, three cents a head; for every score of sheep or hogs, fifteen cents; and so in proportion for any greater or less number: and it shall be lawful for the toll gatherer to stop every person with their teams, cattle, sheep or hogs, and any thing which is liable to pay toll, until they shall have respectively paid the toll herein allowed to be collected by this act: *Provided nevertheless*, That all persons going to or from any grist mill for the purpose of getting grain ground for their own family's use, shall be exempt from toll; and likewise any person going to or from divine service, and all persons going to or from any funeral; and if the said bridge so to be built, shall at any time hereafter be carried away, thrown down or destroyed by an unavoidable accident, the said corporation shall be allowed two years from the time of such casualty, to rebuild the said bridge for the accommodation of the public travel.

Stock to be personal property

7. *And be it further enacted*, That the shares of the stockholders of the said corporation shall be considered to be personal estate, and shall and may be transferable as such.

Calls

8. *And be it further enacted*, That it shall and may be lawful for the said directors to call on and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such time and in such proportions as they shall see fit; always however giving at least six weeks previous notice of such call or demand, in a public newspaper in each of the counties of Washington and Saratoga, as they shall see fit, under forfeiture of their shares, and all previous payments thereon, to the said president, directors and company, not impairing the right of enforcing the payment by process of law of the subscription made under the act aforesaid.

Penalties for injuring the bridge

9. *And be it further enacted*, That if any person or persons shall wilfully or maliciously do or cause to be done, any act whatsoever, whereby the said bridge or any thing appertaining to the same, shall be impaired, weakened or injured, the said person or persons so offending, shall forfeit and pay to the said company, treble the amount of damages sustained by means of such offence or injury, to be recovered by said corporation with cots of suit, in an action of trespass, in the name of the treasurer of said company to their use, in every court having cognizance of the same, which action shall in every instance be considered as transitory in its nature.

Ferries prohibited

10. *And be it further enacted*, That it shall not be lawful for any person or persons to establish any ferry or ferries across said river at any place within one mile up or down said river, from the place where the said bridge shall be built.

Penalty for forcibly passing the gate

11. *And be it further enacted*, That if any person or persons shall forcibly pass said gate to be erected, or pass the stream within the distance heretofore specified, or shall cause his or her, or their horse, carriage, waggon, sleigh, cattle or any thing appertaining to them, which would be liable to toll by virtue of this act, to pass the same without having paid the said toll for passing said bridge, such person or persons shall forfeit a sum not exceeding ten dollars, nor less than one dollar, to be recovered by the treasurer of said corpo-

ration or in his name, to their use, with costs of suit, in an action of trespass, which action shall in every case be considered as transitory in its nature.

12. *And be it further enacted*, That it shall be the duty of the said corporation to cause to be affixed in a conspicuous place over the said gate, a printed list of the rates of toll, and in default thereof, to be subject to the penalty of five dollars for every forty-eight hours, to be sued for and recovered, with costs of suit, by any person who shall prosecute for the same in his own name. A list of the tolls to be set up

13. *And be it further enacted*, That if any toll gatherer shall unreasonably delay or hinder any traveller from passing said gate, or shall demand or receive more toll than is by this act established, he shall for every such offence, forfeit and pay a sum not exceeding ten dollars, with costs of suit, to be sued for and recovered before any justice of the peace of the county wherein such offence shall have been committed, for the use of the person or persons so unlawfully delayed, hindered or defrauded. Penalty for delays

14. *And be it further enacted*, That if the aforesaid said bridge shall not be erected, built and completed within three years after the passing of this act, then and in that case the corporation created by this act shall be adjudged and considered as dissolved. Time limited for finishing bridge

15. *And be it further enacted*, That it shall not be lawful for any person or persons, to ride or drive over said bridge faster than on a walk with his or her or their horses or teams; nor shall it be lawful for any driver to drive more than twenty head of cattle on the said bridge at a time, on penalty of forfeiting for every such offence, not less than one dollar, to be recovered with costs of suit, in the name of the treasurer, for the use of the said corporation. How to ride or drive on the bridge

16. *And be it further enacted*, That this act shall be considered, and is hereby declared a public act, and shall be benignly and favourably construed for all the beneficial purposes herein intended. A public act

17. *And be it further enacted*, That the legislature may at any time hereafter, alter, modify or repeal this act. May be repealed

CHAP. 195.

AN ACT *for the Relief of the Hope Insurance Company.*

Passed April 14, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the executors of James L. Bell, formerly sheriff of the city and county of New-York, deceased, may convey to the Hope Insurance Company certain real estate of Thomas Ash, which the said, "The Hope Insurance Company," represent to the legislature, they purchased in the month of February, in the year one thousand eight hundred and twenty-three, at public auction, of the said James L. Bell, he then being sheriff of the said city and county of New-York, and having sold the said real estate under certain writs of *fieri facias*, and that the said conveyance which may be made by the said executors in virtue of this act, shall be as good an effectual in law, and shall have the same operation and effect, and none other, as if the said James L. Bell were J. L. Bell's executors may convey certain real estate to said company

now living, and the said conveyance were made and executed by him in virtue of his having been such sheriff as aforesaid, and having duly sold the said real estate according to law: *Provided however*, That the same right of redemption shall be reserved from the time of passing this act, as is given by the act, entitled "an act in addition to the act concerning judgments and executions," passed April 12, 1820, from the time of filing the sheriff's certificate therein mentioned.

Proviso

CHAP. 196.

AN ACT *to alter the time of holding the Courts of Common Pleas and General Sessions of the Peace, in the County of Allegany.*

Passed April 14, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, as follows:

1st. There shall be holden in and for the county of Allegany in each year, three terms of the court of common pleas and general sessions of the peace.

2d. Said courts shall commence on the fourth Tuesday in June and October, and the second Tuesday in February, and may continue until Saturday inclusive of the same week: *Provided*, There shall not be summoned and returned a grand jury for the June term as provided by this act.

CHAP. 197.

AN ACT *to provide for the payment of the Expenses of an investigation, taken before the Committee appointed to inquire into the conduct of Jasper Ward, and also of an investigation taken before the Committee on Canals, relative to the sale of the Surplus Waters upon the Erie Canal.*

Passed April 14, 1826.

List of witnesses to be made

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the chairman of the said committees respectively, to make out a list containing the names of all the witnesses attending for the purpose of giving testimony upon either of the said investigations, pursuant to subpœnas issued by the said committees for that purpose, or who may have attended at the request of either of the said committees without a subpœna, which said list shall also contain the places of residence of the said witnesses respectively, the distance which each of the said witnesses resides from the capitol in the city of Albany, and the number of days which each such witness was detained for the purpose of such examination, as far as the said chairman can ascertain the same; and the said list shall also designate such of the said witnesses, if any, as were not called from their respective places of

residence by the committee, but were found in the city of Albany, or in any other place, and from what place every such witness was compelled to travel to attend before such committee, and what distance each such witness did actually travel; and the said chairman shall certify the said lists, and the facts and statements therein contained to be true, according to his best information and belief, and shall deliver the said lists so certified, into the office of the comptroller of this state.

Pay allowed to said witnesses

2. *And be it further enacted*, That it shall be the duty of the treasurer to pay on the warrant of the comptroller to each of the said witnesses named in the said list, or to any person authorised to receive the same, as a compensation for their attendance before such committee, ten cents per mile for every mile coming and returning which each such witness actually travelled to attend before either of the said committees, to be ascertained from the said list so certified by the said chairman as aforesaid, and also one dollar and fifty cents per day, for every day each such witness was detained by either of the said committees, also to be ascertained by the said list, in full compensation for the travel and attendance of each such witness.

Clerk of the committees

3. *And be it further enacted*, That the clerk employed by the said committees to engross the testimony and report upon each of the said investigations, shall be paid by the treasurer, upon the warrant of the comptroller, six cents per folio, for every folio of seventy-two words so engrossed by him for either of the said committees, to be ascertained by the certificate of the chairman of such committee to the correctness of the account of such clerk.

Door keeper

4. *And be it further enacted*, That the door keeper of the senate shall be paid by the treasurer, on the warrant of the comtroller, seventy-five dollars in full for his attendance upon the said committees for the service of subpœnas served by him, and for any other expenses incurred by him in carrying into effect the orders of either of the said committees.

Sheriff of N York

5. *And be it further enacted*, That the treasurer shall pay on the warrant of the comptroller, to the sheriff of the city and county of New-York, such account for the service of subpœnas made by him as the chairman of the said committees respectively shall certify to be just and true, and also to the district-attorney of the city and county of New-York, such sum for services rendered by him in attending examinations of witnesses and for expenses incurred by him, as shall be certified by the said chairman to be just and reasonable.

L Cruttenden

6. *And be it further enacted*, That the treasurer pay on the warrant of the comptroller, to Leverett Cruttenden, such sum as the said comptroller shall audit and allow for the use of the room furnished by him to the committee on canals, to be used by them in taking the investigation taken before the said committee.

CHAP. 198.

AN ACT *to amend an act entitled "An Act to regulate Highways," passed March* 19, 1813.

Passed April 14, 1826.

Tenant or occupant to be assessed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of highways in any of the towns in this state, except in the counties of New-York, Suffolk, Queens, Kings and Richmond, to assess any tenant or occupant in possession of any improved or cultivated farm, or tenement, to labor on the public roads in the same manner and to the same amount as they would do if the occupant was the real owner thereof, designating in their assessments the amount charged upon such farm or tenement, from the occupant's personal tax; but the owner shall not be assessed for any highway work on account of any farm owned by him, which shall during the same year, be assessed to the occupant thereof; and any person so assessed refusing or neglecting to perform such labor shall be subject in all respects to the provisions and penalties contained in the ninth section of the said act hereby amended: *Provided*, That nothing herein contained shall be so construed as to authorise the assessment of more than thirty days highway work upon any one man, or upon the property of any one man in the same year, in any one town in this state, except by virtue of the provisions of the sixth section of the act hereby amended.

Proviso

Width of roads

2. *And be it further enacted*, That it shall and may be lawful for the commissioners of highways to lay out public roads not less than three rods in width: *Provided*, That this section shall not extend to those counties where the commissioners are now authorised by law to lay out roads less than three rods wide.

Proviso

Roads thro' imp'd lands

3. *And be it further enacted*, That when any application shall be made to the commissioners of highways to lay out a road through improved land, in pursuance of the sixteenth section of the act to which this is an amendment, the person making such application shall give at least six days notice in writing, posted up in three of the most public places in the town where the road is applied for, specifying as near as may be the route of said road, and the time and place when and where the freeholders will meet to examine the ground; and before the said freeholders shall proceed to take the oath prescribed in the said sixteenth section, they shall personally assemble agreeable to the above mentioned notice, and examine the route of said road, and shall hear any reasons that may be offered for and against laying the road; and such freeholders shall not be interested in the lands through which the road is to be made.

Notice to be given to occupants

4. *And be it further enacted*, That the commissioners of highways before they proceed to lay out any road through improved land, in pursuance of the sixteenth section aforesaid, shall cause at least three days notice of the time of their meeting to lay out said road, to be given to the occupant of the land where the road is to run, if at home; and if the occupant is absent, then a notice in wri-

ting shall be left at his dwelling-house, if within the county, setting forth the time the commissioners shall meet as aforesaid; and the said commissioners when met to lay out said road shall hear any reasons which may be offered for and against laying out the road as aforesaid.

Tenants for a less term than 25 years

5. *And be it further enacted*, That whensoever any tenant of any farm or tenement, for a less term than twenty-five years, shall be assessed to labor upon the highways, pursuant to the provision of the first section of this act, it shall be lawful for such tenant to deduct the amount of such farm or tenement assessment, after the labor so assessed shall have been actually performed, at and after the rate of sixty-two and a half cents per day, from the rent to be paid by him to the owner of the soil, or other person entitled to such rent, unless otherwise agreed by the parties, or unless otherwise provided for in the lease or agreement under which such tenant holds such farm; and such tenant may set off the amount of such assessment when the labor has been actually performed, against such rent, and the performance of such labor shall be deemed a payment at the rate aforesaid, of so much of the rent due at the time on such farm, or which shall hereafter become due.

Complaints

6. *And be it further enacted*, That it shall be lawful for any person to make complaint against any overseer of highways for neglect of duty, and to prosecute any such complaint in the same manner as commissioners of highways are now authorised by law to do: *Provided*, That if any person making such complaint shall not recover against such overseer of highways, he shall be liable to pay treble costs.

Duty of the board of supervisors

7. *And be it further enacted*, That it shall be lawful for the board of supervisors of the several counties in this state, in any case where the damages for laying out any road through improved and cultivated lands shall be valued and appraised pursuant to the provisions of the sixteenth section of the act hereby amended, to examine into the principles upon which the said valuation and appraisal shall be made, and into the fairness and justice thereof, whenever the account of such valuation and appraisal shall be presented to any such board of supervisors to be audited and assessed; and if it shall appear to the said board of supervisors that the said valuation and assessment has been excessively or imperfectly made, then to reduce or increase the said damages to such sum as in the opinion of the said board of supervisors, from the evidence exhibited to them, shall be just and reasonable.

Certain doings since 1805 confirmed

8. *And be it further enacted*, That the acts and doings of the commissioners of highways of the several towns in this state, or of any two of them, in laying out, altering or discontinuing any road or highway, since the thirty-first day of December, one thousand eight hundred and five, be and the same is hereby confirmed, and made as valid and effectual in law, as if the said commissioners, or any two of them, had been duly authorised to lay out, alter or discontinue any such roads or highways: *Provided*, That the said commissioners, or any two of them, shall have caused a survey of said roads or highways, to be filed or recorded in the office of the town clerk of the town in which roads shall have been laid out: *And provided also*, That nothing herein contained shall, in any wise, affect the decision of the judges of any court of common pleas, at any

Proviso

time heretofore made, confirming or reversing the determination of said commissioners: *And provided also*, That where any roads have not been actually opened and worked by virtue of such determination, it shall be lawful for the owner or owners of any lands through which such roads shall be laid out, to proceed and have the damages sustained by him or them assessed in the manner prescribed by law, at any time within six months after the passage of this act; and also it shall be lawful for any person, in any such case, interested in such road, to appeal from the said determination within six months after the passage of this act: *And further*, That this act shall not affect any suits or proceedings now pending in law or equity.

Two commissioners may lay out a road

9. *And be it further enacted*, That it shall be lawful for any two commissioners of highways of any town, hereafter to lay out, alter and discontinue any roads or highways, in the same manner as if three of the said commissioners had acted in such laying out, altering or discontinuing, any law to the contrary notwithstanding: *Provided*, That in the survey and determination of the said commissioners, it shall appear that all the commissioners of highways, then in office in such town, have been duly notified to attend a meeting of the said commissioners, for the purpose of considering the said proposed laying out, altering or discontinuing of such road.

Proviso

CHAP. 199.

AN ACT *regulating the Fees of the Constables and Marshals employed in the Police Office in the City of New-York.*

Passed April 15, 1826.

Fees regulated

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the constables and marshals employed in the police office in the city of New-York, may exact, demand and receive for the following services, the fees hereinafter specified, that is to say: for serving every warrant or summons, within a mile, thirty-seven and a half cents; for returning the same when party is taken, six and a quarter cents.

Milage: for every mile going only, twelve and a half cents; for taking defendant in custody, on commitment, twelve and a half cents; for conveying the party to prison if within a mile, twelve and a half cents; for going with defendant to procure security, when ordered by the justice, fifty cents; for serving every subpœna for witness to attend before special justices, to be paid by the party applying, within a mile, twelve and a half cents, and for every additional mile, going only, twelve and a half cents; for serving every search warrant, in case the goods are not found, one dollar; but in case the goods are found, and they exceed in value fifty dollars, then such sum as the presiding justice may certify to be correct, not exceeding the sum of two dollars and fifty cents, to be paid by the party applying for the said warrant.

CHAP. 200.

AN ACT *to amend an act entitled "An Act to provide for the Establishment of County Poor-Houses," passed November* 27, 1824.

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the counties of Niagara, Steuben and Wayne, be and they are hereby added to the number of excepted counties mentioned in the act to which this is an amendment, but that the said counties of Niagara, Steuben and Wayne, shall, nevertheless, be entitled to the privileges contained in the tenth section of the said act.

CHAP. 201.

AN ACT *to provide for Defraying the Expense of a Survey of the Fortifications on Staten Island, and for other purposes.*

Passed April 15, 1826.

Survey to be made

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That a sum not exceeding one hundred dollars be and the same is hereby appropriated to defray such expenses as may be incurred in procuring a survey and map of the fortifications belonging to the state on Staten-Island, together with an estimate of their present value, and that it shall be the duty of the governor of this state to designate and employ some suitable person or persons to make the said survey and estimate.

Pay of J. D. Hammond, & S. Dutcherjr.

2. *And be it further enacted*, That the treasurer pay on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated, to Jabez D. Hammond, the sum of twelve hundred and fifty dollars, and to Salem Dutcher, jun. the sum of one thousand dollars, which sums shall be in full for all services which they or either of them may have rendered this state, in relation to the settlement of the claims of this state against the government of the United States, and for all expenses or charges incidental to, or connected therewith.

Act of 1818 repealed

3. *And be it further enacted*, That the act, entitled "an act for the settlement of the demands of this state against the United States," passed February 10, 1818, be, and the same is hereby repealed, so far as the same authorises the appointment of an agent under said act in future.

CHAP. 202.

AN ACT *to incorporate the President and Directors of the Neversink Bridge Company.*

Passed April 15, 1826.

Preamble

WHEREAS Samuel Swartwout, James D. Swartwout, Wilhelmus Westfall, Stephen St. John and Benjamin Westfall, are desirous of being incorporated, together with such persons as may hereafter become their associates, for the purpose of building a bridge across the Neversink river, in the town of Deer-Park, in the county of Orange: Therefore,

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Samuel Swartwout, James D. Swartwout, Wilhelmus Westfall, Stephen St. John and Benjamin Westfall, and such other persons as shall associate for the purpose of building a bridge across the Neversink river, near the storehouse now occupied by Daniel Hilforty, in the county of Orange, about one half mile above the junction of the Neversink and Delaware rivers, at that place, where a bridge across the said river, has heretofore been, shall be, and hereby are created and made a corporation and body politic, in fact and in name, by the name of the President and directors of the Neversink Bridge Company, and to remain for the term of forty years, and by that name they and their successors for and during the said term, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatever, and that they and their successors shall be in law capable of purchasing, holding and conveying any estate real and personal, for the use of the said corporation: *Provided*, The real estate so to be holden, shall be such only as shall be necessary to promote or attain the objects of this corporation: *And provided further*, That the said corporation shall in no wise build or commence to build the said bridge until they shall have contracted with and satisfied the owners of the land on each side of the river for liberty and permission so to do.

Style, &c

Proviso

Subscriptions

2. *And be it further enacted*, That Samuel Swartwout, Wilhelmus Westfall and Benjamin Westfall, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; they shall on or before the first day of June next, procure one book, and therein enter as follows: "We whose names are hereunto subscribed, do for ourselves and our legal representatives, promise to pay the president and directors of the Neversink bridge company, the sum of fifty dollars for every share of stock in the said company set opposite our respective names, in such manner and proportion, and at such time and place as shall be determined by said president and directors of said company," which book shall be left with one of said commissioners at his place of abode, who shall keep the same open for the purpose of receiving subscriptions; and every subscriber shall at the time of subscribing, pay unto the said commissioner, the sum of three dollars for each share so subscribed; and the commissioners shall, as

soon as thirty shares have been subscribed, cause advertisements to be put up at three of the most public places in the town of Deer-Park, giving at least ten days notice of the time and place the said subscribers shall meet, for the purpose of choosing three directors, who shall be stockholders, for the purpose of managing the concerns of the said company for one year; and the day of choosing the said directors, shall for ever thereafter be the anniversary day for choosing directors; and a majority of said directors shall be a quorum, and capable of transacting the business of the said corporation, and every act of a majority of said directors so met, shall be binding on the said corporation, and the said directors elected by a plurality of the votes of the stockholders present, shall immediately proceed to the choice of one of their number for president; and the said president and directors may meet from time to time, at such time and place as they may find expedient and direct, and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said corporation: *Provided*, That no by-law or regulations, shall give or allow more than one vote for each share of stock held by each subscriber.

Directors to be chosen

Proviso

3. *And be it further enacted*, That the said president and directors may continue to receive subscriptions to the stock of the said corporation, until there shall be eighty shares subscribed, and shall have power to appoint such agents, clerks, workmen and others under them as shall be necessary for executing the business of the said corporation.

Additional subscriptions

4. *And be it further enacted*, That the number of shares or subscriptions, constituting the stock or funds of said corporation shall not exceed eighty shares, and that the amount to be paid for each share or subscription shall be fifty dollars, and that it shall be lawful for the said directors, to call on and demand from the stockholders respectively, all such sums of money by them subscribed or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and all previous payments thereon, to the said president, directors and company.

Amount of stock

5. *And be it further enacted*, That the said bridge shall be built at least eighteen feet wide, with a sufficient railing on each side of the same, of at least four feet six inches high, and that in case the said bridge shall not be erected, built and completed within two years from and after the passing of this act, the said corporation hereby created, shall cease and be dissolved: *And further*, The said bridge shall be built and constructed with sufficient distance between the abutment and pier, as shall admit the passage of rafts and boats navigating said river without interruption.

Dimensions of the bridge &c.

6. *And be it further enacted*, That it shall not be lawful for any person or persons, to erect any bridge or establish any ferry or ferries across said river within one mile distance from the place where the bridge aforesaid shall be erected and built by the said company; neither shall it be lawful for any person or persons to cross the said river after the said bridge is completed, within one mile from the same, without paying to the corporation for their use, the toll established by law; but it shall be lawful for any person to pass and repass with his own boat or canoe without being subject

Ferries prohibited

to such toll; and that it shall be lawful for the said corporation to fence up, or otherwise stop up on the bank of the river, the road leading across the river at the place where the said bridge is to be built, providing the owner of the land at that place shall agree to the same.

Rates of toll

7. *And be it further enacted*, That it shall and may be lawful for the said corporation, to demand, receive and take for the use of said bridge, a toll not exceeding the following rates, viz: for every four wheel pleasure carriage hung on steel springs, drawn by two horses, twenty-five cents, for every additional horse, four cents; for every two wheel pleasure carriage, drawn by one horse, nine cents, and for every additional horse, four cents; for every waggon, cart or sleigh drawn by two horses, mules or oxen, twelve and a half cents, and for every additional horse, mule or ox, three cents; for every one horse waggon, sleigh or cart, eight cents; for every man and horse, four cents; for every foot passenger, two cents; for every score of horses, mules or cattle, thirty cents; and for every score of hogs or sheep, twenty cents; and in that proportion for every greater or less number of horses, mules, cattle, hogs or sheep:

Proviso

Provided, That nothing in this act contained, shall be so construed as to entitle the said corporation to demand or receive toll of or from any person passing to or from public worship, to or from school, or to or from a funeral, grist-mill, training, the annual town meeting and election, nor from the clergyman or consistory of the Mahaghkemeck congregation, for passing over the said bridge, in consequence of their official capacity, nor for the passing over said bridge of any baggage waggons, artillery or troops belonging this state or the United States: *And provided further*, That each person residing in the said town of Deer-Park, within five miles distance from the place where the said bridge shall be built, who shall pay to the said corporation after the said bridge is completed, any sum not under two dollars for every three hundred dollars valuation of real and personal estate such person is assessed on the first year's assessment roll of the said town of Deer-Park, and his or her heirs and assigns, who shall hereafter occupy or possess his or her real estate, shall have the free use of the said bridge during its continuance, for all travelling of him or herself and family with or without teams, carriages, &c. without paying any toll for the same:

Further proviso

Provided however, That if in case any of the persons who shall so commute as aforesaid, his or her heirs or assigns, shall hereafter become seized in fee simple of any real estate lying in the said town of Deer-Park, within the aforesaid limits of five miles from the place where the said bridge shall be built, for which no commutation shall have been paid as aforesaid, to procure the free passage of any person over the said bridge, that then such person who shall have become seized as aforesaid of, in and to such real estate, shall not continue to have free travelling over the said bridge without paying toll for the same, before he or she shall also first pay to the said corporation the sum of two dollars for every three hundred dollars valuation of said real estate, agreeable to the assessment thereof on the assessment roll aforesaid.

In 40 years to become state property

8. *And be it further enacted*, That at the expiration of the term of forty years from and after the passing of this act, the bridge which shall be remaining at the place aforesaid, with all things there-

unto appertaining, shall be to all intents and purposes the property of the people of this state: *Provided*, That it shall and may be lawful for the legislature at any time hereafter, to alter or modify this act. Right of the legislature

CHAP. 203.

AN ACT *to incorporate the Lansingburgh Dry Dock and Hydraulic Company.*

Passed April 15, 1826.

WHEREAS James Dougrey, David Dale, Norman Squires, Richard Hanford, Eseck Hawkins junior, Marvill Hawkins, Nicholas Weaver, John Stewart, Foster King, Robert D. Silliman and William Williams and others, associated for the purpose of providing one or more dry or wet docks, artificial basins and other conveniences for the more safe and commodious building and repairing of vessels, have prayed to be incorporated, the better to enable them to carry into effect the business of their association: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That James Dougrey, David Dale, Norman Squires, Richard Hanford, Eseck Hawkins junior, Marvill Hawkins, Nicholas Weaver, John Stewart, Foster King, Robert D. Silliman and William Williams, and their present and future associates, shall be, and hereby are created, constituted and declared to be a body politic and corporate, in fact, by the name of "The Lansingburgh Dry Dock and Hydraulic Company," and by that name, they and their successors may have perpetual succession, and be capable in law of contracting and being contracted with, relative to the business of said corporation; and of suing and being sued, in all courts and places whatsoever; and may have a common seal, and by the name and style aforesaid, the said corporation shall have power and authority, at the mouth of the Piscoen Kill, near the state sloop lock in the county of Rensselaer, to construct and use one or more dry and wet docks, or other artificial means or basins, and works and devices of such dimensions and materials and in such form and manner, as they may deem expedient for the purpose of building, receiving and repairing sloops vessels and other craft, and may construct any raceway or raceways, for the purpose of drawing waters from said basin for hydrulic purposes, and shall be capable in law of taking and holding by lease or purchase, either from the state or indivduals, as the case may be, all such lands and waters as may be necessary for the accommodation and furtherance of their business connected with the said dry or wet docks or hydraulic works. Corporation created; Style, &c

2. *And be it further enacted*, That the capital stock of the said corporation shall not exceed fifty thousand dollars, and that a share in the same shall be fifty dollars, and that the subscriptions to said stock, or to such parts thereof as may from time to time, by the direction for the time being, be deemed proper and necessary, be opened by the appointment or under the direction of the directors hereinafter named, or their successors, or a majority of them, subject to Stock

such rules, limitations and conditions, as by them or their successors shall be prescribed.

Transfers of stock

3. *And be it further enacted*, That the stock of said company shall be deemed personal property and shall be transferable as such; but no transfer of any stock in said corporation shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors thereof for that purpose; which book or books shall, at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any bond, bill or other evidence of claim against said company or association, the payment of which shall have been refused; and in case any officer of said corporation having charge of such books shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of two hundred and fifty dollars, the one moiety thereof to the people of this state, and the other, moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of such suit; and every transfer of stock shall be made subject to the payment of any debt owing to said company by the stockholder, at the time of making such transfer, although not payable until afterwards.

Affairs how managed

4. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be ordered, managed and conducted under the direction of eleven directors, being stockholders and citizens: that the said directors shall hold their offices from the third Monday of January inclusive, in every year, for one year, and shall be elected on the second Monday of January in each year, at such time and place within the village of Lansingburgh as a majority of the directors for the time being shall appoint, and that notice of the time and place of holding such election shall be published in at least one paper in the said village, not less than twenty days previous to the time of holding the said election, and that the poll shall remain open for the reception of votes for at least three hours; and that all elections for directors shall be by ballot, and shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and that each stockholder shall be entitled to one vote for each share which shall have stood in his, her or their names on the books of the said corporation at least fourteen days before the time for voting, and that the persons having the greatest number of votes shall be directors; and if it shall happen that two or more persons have an equal number of votes, the directors in office at the time shall by a plurality of votes given by ballot, determine which of these persons so having an equal number of votes shall be director or directors, so as to complete the whole number, and the directors so chosen shall as soon as may be thereafter, proceed in the like manner to elect one of their number by ballot, for their president; and if any director appointed by this act or hereafter to be chosen shall die, remove out of the state, cease to be a stockholder, or shall resign, his office shall be vacant, and whenever any vacancy shall in any manner occur, the same shall be filled by the remaining directors, by plurality of votes, until the next annual election: and that James Dougrey, David Dale, Norman Squires, Richard Hanford, Eseck Hawkins junior, Marvill Hawkins, Nicholas Weaver, John Stewart, Foster King, Robert D. Silliman and William Williams, shall be the first directors, who shall hold their offices

First directors

respectively, until the third Monday of January inclusive, which will be in the year of our lord one thousand eight hundred and twenty-seven, and until others are chosen in their places, and shall proceed to choose their president, at such time and place as they or a majority of them shall determine.

Day of election

5. *And be it further enacted*, That in case it shall happen at any time that an election of directors shall not be made on the day appointed by this act for the purpose, the said corporation shall not for that cause be dissolved; but it shall and may be lawful to hold any election for directors on any day subsequent to the day hereby appointed, (provided the same be done within thirty days thereafter,) which a majority of the directors for the time being, or in case of their neglect or omission, any stockholders having a majority of the stock of said corporation shall appoint for that purpose, giving due notice thereof, in one or more public newspapers, for at least twenty days previous to the time of such election.

By-laws

6. *And be it further enacted*, That the directors for the time being shall form a board; and they, or a majority of them, shall be a quorum for transacting the business of the said corporation, and shall have power to make such by-laws, rules and regulations, not repugnant to the constitution or laws of the United States, or of this state, or any provision of this act, as to them shall seem needful and proper, touching the government of the said corporation, the management and disposition of the stock, property, estate and effects thereof, the duties of the officers, clerks and servants employed therein, the election of directors, and all other matters that may appertain to the concerns of the corporation, and shall also have power to appoint as many officers, clerks and servants for carrying on the business thereof, with such salaries and allowances as to them shall seem meet.

Payments

7. *And be it further enacted*, That it shall and may be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed, at such time, and in such proportions, and on such conditions, as they or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required after the first, and of the time when the same are to be paid, shall be published at least fourteen days in one or more of the public newspapers printed in the village of Lansingburgh.

Dividends

8. *And be it further enacted*, That it shall be the duty of the directors to make dividends of so much of the profits of the said corporation arising from tolls and other sources of revenue of said company, at such time as they, or a majority of them, shall deem advisable.

Penalties

9. *And be it further enacted*, That if any person whatsoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said dry or wet docks and basins, or any of the works or devices connected therewith, shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the corporation double the damages so sustained, together with costs of suit in that behalf expended, to be recovered by action of debt, in any court having jurisdiction thereof.

To be made in 5 years

10. *And be it further enacted*, That if the corporation hereby made and created by this act shall not, within the term of five years,

to be computed from the first day of May next, complete the said dry or wet docks and basins, and other works and devices to be connected therewith, in the manner contemplated by this act, then this act, and the rights and privileges hereby vested in said corporation, shall cease and become null and void, any thing herein contained to the contrary notwithstanding.

Responsibility

11. *And be it further enacted*, That the stockholders of said corporation shall be holden responsible in their individual capacities, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively; and any person having any demand against the said company may sue any stockholder thereof singly, or any two or more stockholders thereof jointly, and recover in any court having cognizance thereof; but such suit shall not be maintained without proof that such demand had been presented to the president or treasurer of said company for payment, and the payment thereof neglected or refused; and the said company shall be liable to be prosecuted as a corporation for any such demand.

Banking prohibited

12. *And be it further enacted*, That nothing in this act contained shall be so construed as to authorise any banking or insurance operations, or the purchasing, selling, discounting or loaning of any bonds, bills, notes, checks, or any negotiable paper whatsoever, nor in the purchasing or hypothecating of any bank or public stocks.

Public act

13. *And be it further enacted*, That this act shall be deemed a public act; but the rights and privileges hereby granted shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same.

CHAP. 204.

AN ACT *for the Relief of Jared Spalding and Elisha Hanks.*

Passed April 15, 1826.

Preamble

WHEREAS Jared Spalding and Elisha Hanks, on the 8th day of December last, executed a bond with one William Hamilton, collector of the town of Bath, in the county of Steuben, as sureties: *And whereas* the said William Hamilton hath neglected to make return and pay over the amount of taxes to the treasurer of the county of Steuben, which by law he was required to do, and has become insolvent: *And whereas* part of the said taxes remain uncollected: Therefore,

E Hanks authorised to collect taxes in Bath

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Elisha Hanks, one of the said bail, is hereby authorised to collect all the taxes remaining due and unpaid on the tax list which was delivered to the said William Hamilton, as collector of the town of Bath, in the county of Steuben, in the month of December last, and shall have all such powers and authority for collecting said taxes as are vested in collectors in and by the act for the assessment and collection of taxes; and the said Elisha Hanks is hereby required, on or before the first day of June next, to make return of and account for all monies which may come into his hands as aforesaid, in the same manner as the said William Hamilton was directed to do by virtue of his warrant.

2. *And be it further enacted*, That the treasurer of the said county of Steuben be and he is hereby authorised and required to settle the accounts of the said William Hamilton, as collector of the said town of Bath as aforesaid, and of the said Elisha Hanks, under this act, on or before the first day of June next, in the same manner as he might have done had the same been presented for settlement on the first day of February last, and shall, within twenty days thereafter, transmit to the comptroller the return of the arrears of taxes for the said town, and the comptroller is hereby authorised to accept of the same, and to proceed in the collection of the said taxes as in ordinary cases. County treasurer to settle accounts

3. *And be it further enacted*, That all proceedings shall be stayed against the said Jared Spalding and Elisha Hanks on their bond as sureties as aforesaid, until after the first day of June next; and that nothing in this act contained shall be deemed to discharge the said Jared Spalding and Elisha Hanks from their said bond as sureties as aforesaid. Proceedings stayed

CHAP. 205.

AN ACT *relating to the Lewiston School Fund.*

Passed April 15, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Lathrop Cooke, Joshua Fairbanks and Ashell Woodruff, be and they are hereby authorised to demand and receive from the comptroller of this state, all monies which have been funded or now remain in the treasury, belonging to the Lewiston School fund, and that the said comptroller is hereby required to draw his warrant on the treasurer for the same. L. Cooke and others to receive the fund

2. *And be it further enacted*, That the comptroller be and is hereby required to assign to the said Lathrop Cooke, Joshua Fairbanks and Ashell Woodruff, all articles, bonds and other securities that remain unpaid, and belonging to the said fund as aforesaid: *Provided*, That before the comptroller shall be authorised to deliver the monies and assign the said articles, bonds and securities, the said Lathrop Cooke, Joshua Fairbanks and Ashell Woodruff, shall execute to the trustees of the corporation of the village of Lewiston and their successors in office, a bond with two or more sureties, to be approved of by the said trustees, in the penalty of fifteen thousand dollars, conditioned that they shall well and faithfully execute the duties enjoined upon them by this act, and shall produce to the comptroller a certificate of the said trustees, that such bond has been executed pursuant to the provisions of this act, which bond shall be deposited with the clerk of the said corporation. Comptroller to assign bonds, &c.

3. *And be it further enacted*, That the said Lathrop Cooke, Joshua Fairbanks and Ashell Woodruff, and their successors in office, shall be known as the commissioners of the Lewiston school fund, and as such shall be authorised to loan all monies which may come to their hands, belonging to the said fund; that on making any such loan, the said commissioners shall take a bond to themselves as commissioners as aforesaid, and their successors in office, Commissioners of the Lewiston school fund

Their powers and duties

secured by a mortgage on unincumbered real estate, of at least double the value of the sum loaned, exclusive of buildings, to collect all bonds and mortgages or other debts, which they may receive from the comptroller as well as others, which may accrue or be taken by them on making loans; and no such suit shall abate by reason of the death or removal from office, of any or all the said commissioners, to pay over from time to time to the trustees of the school or schools in the said village, all such sums of money as may be by them received for interest on loans, rents or otherwise, excepting the principal of the said fund; no part of which shall at any time be expended; to sell and dispose of or lease the lots belonging to the said fund, which remain unsold, on such terms and conditions as they judge most conducive to the interest of the said fund, and on receiving payments therefor in case of sales, to certify to the commissioners of the land-office a description of the land sold, the price, the time when sold and the name of the purchaser or purchasers, and that the consideration money and interest hath been fully paid; and shall also certify in the like manner the payment of all bonds, mortgages or other debts, which they may receive from the comptroller; further, the said commissioners shall procure and keep suitable books and correct accounts of all things, touching the management of said fund; which books and accounts shall be open to the inspection of the inhabitants of the said village, at all reasonable times; and at the expiration of their several offices, each commissioner shall safely deliver to the remaining commissioner or commissioners, or his or their successors in office, all books, vouchers and papers in any wise relating to the said fund: *Provided*, That nothing in this act contained, shall be so construed as to prevent the commissioners of the land-office from making title to the purchasers of the lands so as aforesaid, to be sold in the same manner as if the said lands had been exposed to sale in the usual manner.

Proviso

Not to exceed three in number

4. *And be it further enacted*, That the said commissioners shall at no time exceed three in number, and shall hold their offices for two years, and until others shall be appointed; in case of vacancies by death, resignation or removal, such vacancies shall be filled, and all appointments hereafter shall be made by the governor and senate, in the same manner that other appointments shall be made, and all commissioners hereafter to be appointed, shall continue for two years, and until others shall be appointed, unless in cases of appointments to fill vacancies when the term shall expire, with that of the other commissioners.

Trustees to give bond

5. *And be it further enacted*, That before the trustees of the schools in the said village shall be entitled to receive from the said commissioners any monies which by virtue of this act shall be payable to them, they shall execute a bond to the supervisor of the town of Lewiston, and his successor in office, in such penalty, and with such surety or sureties as the said supervisor shall approve, conditioned that such trustees shall faithfully apply the aforesaid monies towards the support and maintenance of a school or schools in the said village, for the benefit of the inhabitants of the said village who shall have resided therein at least six months, and shall render a just and true account of the expenditure of the said monies, to the said supervisor, or to his successor in office, when thereto required: *And further*, That before the said trustees shall be entitled to

receive the said monies, they shall produce to the said commissioners a certificate under the hand of the said supervisor, certifying that such bond has been duly executed and delivered to him by the said trustees.

6. *And be it further enacted,* That it shall be the duty of the said trustees of the corporation of the said village for the time being, in case of any breach of the condition of the bond of any of the aforesaid commissioners; and if the supervisor aforesaid, in case of a breach of the condition of the bond of any of the said school trustees, to sue for and recover in their respective names, on the said bonds, all damages which may have accrued by any such breach or breaches of the said bonds, to and for the use and benefit of the schools in the said village: further, that no such action shall abate by reason of the death or change of the said trustees or supervisor. To be prosecuted in case of breach

7. *And be it further enacted,* That the sixteenth section of the act entitled "an act to incorporate the Hannibal and Volney bridge company, and for other purposes," passed April 15, 1817, and the act entitled "an act concerning common schools in the village of Lewiston," passed April 10, 1818, be and the same are hereby repealed. Former acts repealed

CHAP. 206.

AN ACT *concerning Courts in Ulster County.*

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the present terms of the courts of common pleas and general sessions of the peace, of Ulster county, shall, immediately after the next June term thereof, be abolished; and instead thereof, the terms of said courts shall be held, and commence annually thereafter, as follows, that is to say: On the second Monday in January, a court of common pleas and general sessions of the peace; on the second Monday in April, a court of common pleas, but no jurors shall attend, unless summoned by order of said court, regularly entered on their minutes at the next preceding term; on the second Monday in June, a court of common pleas; on the second Monday in September, a court of common pleas and general sessions of the peace, but no grand jurors shall attend, unless summoned by order of said court, regularly entered on their minutes at the next preceding term, and duly proclaimed by the sheriff of said county, on the usual precept, as in similar cases is now by law directed; and the said sheriff shall make the like proclamation of the said January term.

CHAP. 207.

AN ACT *to continue in force and amend the act entitled "An Act to incorporate the Oriskany Manufacturing Company."*

Passed April 15, 1826.

Preamble

WHEREAS the legislature did by an act passed the 16th day of February, 1811, incorporate Seth Capron, Newton Mann, Edward Barnard and others, by the name and style of the President and Directors of the Oriskany Manufacturing Company, for the purposes therein named: *And whereas* the said charter expired on the sixteenth day of February, one thousand eight hundred and twenty-six, by a limitation contained in said act: Therefore,

Act revived

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the above recited act be, and the same is hereby revived and continued in force for the period of five years from and after the fifteenth day of February, one thousand eight hundred and twenty-six, in the same manner as if the said act was herein fully recited: *Provided always,* That the capital stock of the said company hereafter shall not exceed the sum of one hundred thousand dollars, to consist of two thousand shares, of fifty dollars each; any thing in the said act hereby revived and amended, contained to the contrary notwithstanding: *And provided further,* That no call or demand shall hereafter be made on the shares of the capital stock of said company, without the consent of the persons holding two thirds of the shares of the stock in said company, first had and obtained.

Proviso

Stockholders responsible

2. *And be it further enacted,* That the stockholders of the said company shall be held responsible jointly and severally in their individual capacities, to the amount of the stock held by them respectively, for any debts hereafter contracted by said company; and any person having any demand against the said company, may prosecute any stockholder thereof, separately, or any two or more of them jointly, and recover in any court having cognizance thereof: *Provided,* That no prosecution shall be commenced against any of the stockholders until the person or persons having such demand or demands shall have first prosecuted the directors, or such stockholders as were directors at the time when such debt or demand was contracted, to judgment and execution, to the end, that the stockholders who were directors at the time any debt or demand was created, shall be liable in the first instance: *And provided further,* That no such suit shall be sustained without proof that payment thereof had been demanded of the proper officer of said company, and refused or not complied with.

Proviso

Transfers

3. *And be it further enacted,* That the said president and directors shall keep a book or stock ledger, in which shall be entered the name of every stockholder, and the number of shares he, she or they may respectively hold in said company; and no transfer of stock shall be valid unless entered in said book, which said book shall, at all times during business hours, be open to the examination of the stockholders, and to every person the payment of whose debt

or demand has been refused; and in case the examination of such book shall be refused to any such person, the said company shall forfeit and pay for every such refusal, the sum of two hundred and fifty dollars, to be recovered in any court having cognizance thereof, the one half to use of the people of this state, and the other half to use of the person who shall sue for the same.

Banking prohibited

4. *And be it further enacted*, That nothing contained in this act or the act hereby renewed shall be construed to authorise any banking or insurance operations, or the discounting or loaning any money, or the purchasing of any bonds, bills, notes or negotiable paper, or issuing any checks for the payment of money, other than in the due and fair transactions and operations of the said company, as a manufacturing company only.

Right to repeal this act

5. *And be it further enacted*, That the legislature may at any time suspend or repeal this act at its pleasure; and may at any time alter or modify the same, either in respect to the corporate rights and privileges of the said company, or as to the rights and privileges of the said stockholders generally.

CHAP. 208.

AN ACT *to authorise George Wilson to erect a Dam across the Genesee River, in the Town of Mount-Morris, in the County of Livingston, and in the Town of Castile, in the County of Genesee.*

Passed April 15, 1826.

A dam 4 feet high to be erected

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for George Wilson, and he is hereby authorised to erect a dam not exceeding four feet in height, across the Genesee river, in the towns of Mount-Morris and Castile, commencing upon a lot of land on the east side of said river, and known as lot number one hundred and thirty-two, situate in Elisha Johnson's subdivision of the Cottringer tract, in the county of Livingston, and ending on the west side of the said river, upon lot number seventy-six of the tract aforesaid, in the county of Genesee: *Provided*, That the said George Wilson shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for rafts, arks and other boats used in said river, and suffer the same to pass and re-pass free from toll or expense of any kind, during the continuance of said dam: *And provided further*, That nothing in this act shall be so construed as to affect the rights of individuals who may be injured by reason of the erecting and continuing said dam; and it shall be lawful for the legislature at any time to amend, alter or repeal this act.

Proviso

May be repealed

Rights reserved

2. *And be it further enacted*, That if the legislature shall, at any time hereafter, require and need the waters of said river for internal navigation or improvements, the owner or owners, possessor or possessors of such dam, shall not be entitled to any damages by reason thereof.

CHAP. 209.

AN ACT *relative to the Western Ten Miles of the Eastern Branch of the Schoharie Turnpike Road.*

Passed April 15, 1826.

Preamble

WHEREAS the president and directors of the western ten miles of the eastern branch of the Schoharie turnpike road have, by their petition under their corporate seal, presented to the legislature that it is necessary, as well for the good of the public as for the interest of the said company, to allow certain alterations to be made in the route of the said road, in order to avoid some hills, or to render them of more gradualand easy ascent: Therefore,

Alterations how to be made

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the president and directors of the western ten miles of the eastern branch of said road, to call on three of the judges of the court of common pleas of the county of Schoharie, not interested therein, whose duty it shall be to survey and lay out and direct such alterations in the route of said road, and of the width of four rods, as they or a majority of them shall judge to be for the good of the public, and for the interest of the said company: *Provided,* said alterations taken together shall not exceed one and a half mile in length.

Proviso

Land to be entered upon

2. *And be it further enacted,* That when the said alterations, or any of them, are marked out and designated, it shall and may be lawful for the president and directors aforesaid to enter and take possession of the same, after paying the owner or owners of the lands such compensation as shall be agreed on between the parties, by exchange of those parts of the present route as shall be rendered useless to the said company where such alterations shall have been made, or otherwise; and in case of disagreement of the parties, or if the owner or owners shall be under age, feme covert, or out of the county, the damages, if any, shall be appraised by the judges who are authorised to make the before mentioned alterations.

When vested in the compa ny

Right to re peal

3. *And be it further enacted,* That when the said president and directors shall have completed the said alterations in the form and manner pointed out in their original act of incorporation, then the same is hereby declared to be vested in the said company; and the legislature may at any time alter, modify or repeal this act.

CHAP. 210.

AN ACT *relating to the Mills and Mill Sites belonging to the State at Oswego Falls.*

Passed April 15, 1826.

Mill sites may be leas ed or sold

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be lawful for the commissioners of the land-office, either to lease the said mills, with so much ground about them as they shall deem necessary for their

accommodation, on such conditions, and for such a term of time, not exceeding five years from and after the eleventh day of April instant, as they shall deem proper, to Jonathan Wheat, the present lessee, or to any other person or persons, or to sell the said mills with such necessary ground about them, if they shall consider it best for the interest of the state, and on such sale to require the payment of one-third part of the purchase money, and the sale in other respects to be in conformity with the conditions prescribed by law for the sale of unappropriated lands, except as is hereinafter provided: *Provided*, That in either leasing or selling the premises as aforesaid, stipulations shall be made in such manner as the said commissioners may consider most proper for remunerating the said Jonathan Wheat for the value of the permanent improvements made by him to said mills, above the rent reserved in his present lease of the premises, and to that end the said commissioners shall cause the necessary appraisements of such improvements to be made under oath, by competent and disinterested men to be appointed by them for that purpose. Proviso

2. *And be it further enacted*, That previous to the leasing or selling of the mills aforesaid, it shall be the duty of the said commissioners to give at least six weeks previous notice of the time and place of such leasing or sale, which notice shall be published in the paper published by the printer of this state, and in at least one of the public newspapers printed in each of the counties of Oswego, Onondaga and Madison; and that it shall be the duty of the said commissioners to lease or sell the same to the highest bidder. Six weeks notice to be given

CHAP. 211.

AN ACT *declaring a part of the Tonnewanta Creek a Public Highway.*

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the Tonnewanta creek from its junction with the Erie canal at the village of Pendleton, to its connexion with Murder's creek, be and the same is hereby declared a public highway: *Provided*, That nothing herein contained shall be construed to abridge any pre-existing private right.

CHAP. 212.

AN ACT *authorising the Courts of Common Pleas to regulate the Fisheries in their respective Counties.*

Passed April 15, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the several courts of common pleas of this state, shall be, and are hereby authorised and em- Courts to regulate fisheries

powered to regulate the fishing in any of the streams, ponds and lakes in their respective counties; and to make such order or rule to prevent the destruction of fish therein, under such penalties, not exceeding twenty-five dollars, as they shall deem proper, and to remove any restriction against fishing therein heretofore imposed, any law to the contrary notwithstanding: and every person offending against such order or rule, shall for each and every offence, forfeit the penalty prescribed in such order or rule, to be recovered by any person who will prosecute for the same in an action of debt, in his own name, with costs of suit in any court having cognizance thereof; the one moiety of which when recovered, to be paid by the person recovering the same, to the overseers of the poor of the town in which the stream, pond or lake to which such order or rule applies, is situate, for the use of the poor thereof; and if the stream, pond or lake is situate partly in one town and partly in another, then to the treasurer of the county in which the same is situate, for the use of said county; and the said courts are hereby further authorised, in their discretion, to alter, modify or annul such order or rule at any future time: *Provided*, That no such order or rule shall be made for any one time to exceed three years: *And provided further*, That before any such order or rule shall be made, a notice of an application for such order or rule, signed by at least six freeholders of the town or towns in which such stream, pond or lake is situate, shall be affixed on the outward door of the court-house of the county in which the application is to be made, three weeks before the intended application, and published for three weeks successively, in one of the newspapers of such county, if there be any newspaper printed therein.

Proviso

2. *And be it further enacted*, That after the granting of such order or rule, a copy of the same, certified by the clerk of such county, shall be posted upon the outward door of the court-house of the county in which the same is granted, and continued for six Mondays successively, after the granting of such order or rule, and published in one of the public newspapers of such county for three weeks successively after the granting thereof, if there be any such newspaper printed therein.

Copy of order to be put up

3. *And be it further enacted*, That it shall and may be lawful for such courts of common pleas to order the costs of this proceeding to be paid by those persons signing the notice of the application.

Costs

CHAP. 213.

AN ACT *to alter the Name of the Town of Winchester in the County of Wayne.*

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the passing of this act, the town of Winchester in the county of Wayne, shall be known and distinguished by the name of Marion.

CHAP. 214.

AN ACT *to amend the act entitled "An Act relative to the Village of Ballston Spa," passed March* 21, 1807.

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That whenever any money shall be raised by tax in the said village, pursuant to the act hereby amended, the same shall be assessed upon the personal as well as real property of the freeholders and inhabitants of the said village, in the same manner as taxes are assessed by law in the several towns in this state, any thing in the aforesaid act to the contrary notwithstanding.

CHAP. 215.

AN ACT *to alter the time of holding Town-Meetings in Town of Lansingburgh, in the County of Rensselaer.*

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That after the present year, the annual town-meetings of the freeholders and inhabitants of the town of Lansingburgh, in the county of Rensselaer, shall be held on the last Tuesday in February of every year: and that all such town officers of the said town, whose duty it is to meet on the last Tuesday in March, shall meet on the Tuesday preceding the last Tuesday in February, in every year, to do and transact such business as to their respective offices may appertain.

CHAP. 216.

AN ACT *to amend an act entitled "An Act to raise money to drain the Drowned Lands in the County of Orange," passed March* 6, 1807.

Passed April 15, 1826.

WHEREAS the commissioners elected under the above entitled act, have by their petition presented to the legislature at the present session, represented that in and by the provisions of the said act, their operations in draining the said lands are confined to removing obstacles out of the bed of the river Wallkill, and to deepening, widening and straightening the same, and the two streams falling into the same, called Rutgers-kill and Pockunk-kill; that large sums of money have been expended in such operations with but partial success; that they have reason to believe that their labors would be much facilitated, and rendered more effectual, by enlarging their powers so as to enable them to divert the waters of the said river Wallkill, in the manner set forth in their said petition, and pray an Preamble

extension of their powers accordingly, all which appears to be true, and the prayers of the petitioners reasonable: Therefore,

Duty of commissioners

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That William Thompson, George D. Wickham, Archibald Owen, John Bradner and John J. McGregor, the commissioners under the act aforesaid, and their successors, be and they are hereby authorised and impowered in the further prosecution of the draining of the said drowned lands, to cut, dig and open a canal or ditch from some point, spot or place upon the east side of the said river Wallkill, above or south of a certain tract of land called Horse island, to some point or spot upon and adjoining the east side of the mill pond of Dr. Gabriel N. Philips, on the most eligible route or course, and of such depth and size as may be found necessary or useful for leading or conducting off the waters of the said river Wallkill, in the further prosecution of the draining aforesaid; and for that purpose to use and occupy any lands which shall or may lie on, adjacent to, or near the route which shall or may be selected and designated for such ditch or canal, in excavating the same or in depositing the earth, stone or gravel removed by such excavation, or in any other useful and necessary way whatever; and to contract with the ower or owners of such lands for the damages they may sustain by reason thereof, or to cause and procure an appraisement of such damages in the manner prescribed in and by the fourth section of the act aforesaid, which damages so agreed on appraised as aforesaid, the said commissioners are hereby required to pay anterior to the use and occupancy of the lands as aforesaid.

Recital

And whereas there are valuable falls of water upon the said river Wallkill between the extremities of the canal which the said commissioners are hereby authorised to open, belonging to and in the occupancy of George Phillips, upon which there are now erected valuable mills and other improvements, and upon which others *may* be advantageously erected: *And whereas* the said canal may be abused to the prejudice and damage of the said George Phillips, his heirs or assigns, in depriving them of the waters of the said river Wallkill, in seasons of scarcity or otherwise; but it is believed that no prudent and beneficial use of such canal, for the purpose of the draining aforesaid, can or will produce such injurious effects: *And whereas*, it is extremely difficult by specific statuatory provisions to guard against such abuse: Therefore,

Waters of the Wallkill may be used on agreeing with G. Phillips

2. *Be it further enacted*, That before the waters of the said river Wallkill shall or may be let through the said canal, it shall be the duty of the said commissioners, and they are hereby authorised and impowered to agree and settle with the said George Phillips, his heirs or assigns, upon such restrictions as the safety of the said George Phillips, his heirs or assigns, may require, and the convenience of the said commissioners may or can admit to be imposed upon them in the use of the said canal, and in case of disagreement it shall and may be referred upon the application of either party, to the court of common pleas, in and for the said county of Orange, to settle and determine such restrictions, which application the said court of common pleas are hereby authorised and required to ascertain, and prescribe proper rules ro orders accordingly, and by suitable proceedings and process for that purpsse, to enforce obedience

to such rules or orders, or any of them, according to the practice of courts of justice in analagous cases.

Grievances how to be redressed

3. *And be it further enacted*, That if it shall be found from experience that such rules or orders, or any of them, are not or should be supposed not to be adapted to the objects contemplated or intended, it shall and may be lawful for the party or parties conceiving himself or themselves aggrieved, to apply to the said court from time to time for a modification of the said rules or orders, or any of them, and upon such application the said court shall have authority to modify any or all such rules or orders, or to annul the same, and other or others to make and substitute; and if, upon such application, any or either of the parties should be desirous to have any fact or facts determined by a jury, it shall be the duty of the said court, and they are hereby empowered, upon motion for that purpose, to cause the same by a feigned issue, or other suitable proceedings, to be brought before such jury, and to be tried at bar in term time, in the manner and form usual in the trial of issues by a jury; and the said court are hereby authorised to make such order in relation to costs as shall be agreeable to equity and good conscience.

Prohibition as to the use of the waters

4. *And be it further enacted*, That it shall not be lawful for the said commissioners, nor any of them, nor for any other person or persons, to use the waters which may or shall flow in or through the said canal, for propelling any mills, factories or machinery whatever, between the point where the same are taken out of, and the point where the same are returned to the natural channel of the said river Wallkill.

Penalties

5. *And be it further enacted*, That if any violations of the provision contained in the last preceding section of this act occur, in addition to common law remedies in such cases provided, any person conceiving himself or herself aggrieved may apply to the said court of common pleas for their interposition; and they are hereby empowered, upon such application, to cause notice to be given to the party charged; and if, at such time or times as the said court may appoint, it shall appear, by the shewing of the party applying, and the default of the party charged, or otherwise, that such violations have been committed, they are hereby authorised, by a rule or order for that purpose, to prohibit the continuation of such violations, and by process of attachment or otherwise to enforce obedience to such rule or order.

Dams prohibited

6. *And be it further enacted*, That it shall not be lawful for any person or persons whatever to erect or place in the said canal, or in the waters thereof, any dams, wiers, nets, racks, or any other obstruction or obstructions for the taking of eels, between the point where the water shall or may be received by the said canal from the natural channel of the said river Wallkill, and the point where the same shall or may be returned thereto, under the penalties and forfeitures provided in and by the twentieth section of the act, entitled "an act making provision for draining swamps and bog-meadows in the counties of Orange and Dutchess."

A public act

7. *And be it further enacted*, That this act shall be considered a public act.

CHAP. 217.

AN ACT *to renew an Act, entitled "An Act authorising Elmore Russell to build a Dam across the Susquehannah River, in the Town of Windsor, in the County of Broome.*

Passed April 15, 1826.

Former act renewed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the act, entitled "An act authorising Elmore Russell to build a dam across the Susquehannah river, in the town of Windsor, in the county of Broome," passed March 29, 1809, be and the same is hereby renewed; and it shall and may be lawful for David Lane, his heirs or assigns, to erect, maintain and continue a dam across the Susquehannah river, at the place and in the manner prescribed in the said act, with all the rights, privileges and immunities, and subject to all the provisions, restrictions and limitations (except as to the duration of this act) in the said act contained.

Legislature may repeal

2. *And be it further enacted,* That the legislature may, at any time, whenever the public good shall require the same, alter, repeal or modify this act.

CHAP. 218.

AN ACT *relative to the Western Branch of the Schoharie Turnpike Road.*

Passed April 15, 1826.

Preamble

WHEREAS the president and directors of the western branch of the Schoharie turnpike road, have by their petition under their corporate seal, presented to the legislature that it is necessary as well for the good of the public as for the interest of the said company to allow certain alterations to be made in the route of the said road, in order to avoid some hills, or to render them of more gradual and easy ascent: Therefore,

Survey to be made

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall and may be lawful for the president and directors of the western branch of said road, to call on three of the judges of the court of common pleas of the county of Schoharie, not interested therein, whose duty it shall be to survey, lay out and direct such alterations in the route of the said road and of the width of four rods, as they or a majority of them shall judge to be for the good of the public, and for the interest of the company: *Provided* said alterations taken together shall not exceed two miles in length in the route of said road; and that the said alterations shall in no place within one mile of the present site of the Middleburgh bridge, on the west side of the Schoharie creek, exceed twenty rods.

Proviso

Lands to be taken for the road

2. *And be it further enacted,* That when the said alterations or any one of them are marked out and designated, it shall and may

be lawful for the president and directors aforesaid, to enter and take possession of the same, after paying the owner or owners of the lands, such compensation as shall be agreed on between the parties by exchange of those parts of the present route as shall be rendered useless to the said company, where such alteration shall have been made, or otherwise; and in case of disagreement, or if the owner or owners shall be feme covert, under age or out of the county, the damages, if any, shall be appraised by the judges who are authorised to make the before mentioned alterations.

And vested in the company

8. *And be it further enacted*, That when the said president and directors shall have completed the said alterations, in the form and manner pointed out in the original act of incorporation, then the same is hereby declared to be vested in said company.

Former act repealed

4. *And be it further enacted*, That all such acts or parts of acts as are repugnant to this act, be and the same are hereby repealed; and the legislature may at any time alter, repeal or modify this act.

CHAP. 219.

AN ACT *concerning the January Term of the Court of Common Pleas of the County of Essex.*

Passed April 15, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That so much of the first section of the act entitled "an act concerning the terms of the court of common pleas and general sessions of the peace, in the counties of Essex, Clinton, Erie, Saratoga, Columbia, Franklin, Tioga, Dutchess, Ulster, Delaware and Allegany, and for other purposes," passed April 10, 1824, as relates to the January term of the court of common pleas in the said county of Essex, be and the same is hereby repealed.

CHAP. 220.

AN ACT *concerning the Gospel and School Lots in the Towns of Governeur and Morristown, in the County of St. Lawrence.*

Passed April 15, 1826.

Three trustees to be chosen

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the inhabitants of Governeur and Morristown in the county of St. Lawrence, qualified to vote at town meetings, at their annual town meetings to elect by ballot three trustees, being freeholders and inhabitants of the said towns, whose duty it shall be to take charge of the lots in said towns, assigned to the said town for the support of the gospel and school, and to receive the rents, issues and profits thereof, or the proceeds arising from the sale thereof, to the uses and purposes prescribed and mentioned in the act entitled "an act concerning the gospel and school lots," passed April second, one thousand

eight hundred and thirteen, and the said trustees shall have the same powers and privileges, and be bound by and observe all the provisions contained in said act, with respect to the powers, privileges and duties of trustees under said act, and the inhabitants of the said towns of Governeur and Morristown, shall have and enjoy all and singular, the powers, rights and privileges in relation to the proceeds arising from the sale of the said lots, or the rents issues and profits thereof, as the inhabitants of the certain other towns therein named, have by virtue of the said act.

Bonds

2. *And be it further enacted*, That the said trustees shall execute bonds in the manner prescribed in the act to amend the act entitled "an act concerning the gospel and school lots," passed April second, one thousand eight hundred and thirteen, which last act was passed at the present session of the legislature, and the said trustees shall have and exercise all the rights, privileges and powers conferred in and by the said act, on the trustees therein mentioned.

CHAP. 221.

AN ACT *to provide for the Sale of the Otsequette Patent of Land.*

Passed April 15, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land-office, to sell and convey in fee simple, to the occupants thereof, the Otsequette patent of land, situate in Westmoreland, county of Oneida, or any part or parcel thereof, on such terms as they shall judge equitable and just, under all the circumstances of the case: *Provided*, That in the opinion of the commissioners aforesaid, it shall be for the interest of the people of this state so to do.

CHAP. 222.

AN ACT *for the safety of Passengers in Steam-Boats, and of Travellers by Land and by Water.*

Passed April 17, 1826.

Directions to boats in passing each other

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in all cases of steam-boats meeting each other on the Hudson river, when neither of the said boats is about to stop at any place or landing, each boat, so meeting, shall go towards that side of said river, which is to the starboard side of such boat, so as to enable the boats so meeting, to pass each other with safety; under the penalty of two hundred and fifty dollars, to be recovered against the captain, master or commander of the said boat which shall not obey this provision of this act, or against any person having the chief command or charge of such boat, for the time being, when such penalty shall be incurred, with

costs of suit, in any court having cognizance thereof; and in case the usual captain shall not be on board at the time of any violation of this section, the owners of the said boat, jointly and severally, shall be liable to the said penalty.

As to landing passengers

2. *And be it further enacted*, That from and after the first day of May next, when any passenger is about to be landed from any steam-boat, navigating the waters of this state, when the steam-boat is not near the shore, so that the passenger can be landed immediately from the steam-boat, on the shore; no passenger shall be put, or suffered to go into any small boat, for the purpose of being landed, until such small boat shall be completely afloat, and the said small boat shall be disengaged from the steam-boat: and no person shall be landed, or put on board any steam-boat, by the mode now used, of a towing line; and while any passenger is getting into a small boat from a steam-boat, for the purpose of being landed, the engine of the steam-boat shall be stopped, and shall not be put in motion until the small boat shall be at least thirty yards from the nearest water wheel of the steam-boat: and when any passenger is taken on board of any small boat belonging to any steam-boat, from the land, to be carried on board any steam-boat, the engine of such steam-boat shall be stopped while such small boat is at the shore, and until such passenger shall have left the small boat, and be on board the steam-boat: and if any captain, master or commander of any steam-boat, or if any person having the charge or command of any steam-boat, shall cause or permit any passenger to be landed or taken on board of any steam-boat, contrary to the provisions of this act, he shall forfeit and pay a penalty of two hundred and fifty dollars for every offence, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same.

When going in the same direction

3. *And be it further enacted*, That when any steam-boat shall be so navigated as to pass another boat, going in the same direction, on the Hudson river, it shall not be lawful for such boat, so passing such other boat, to approach or pass, within the distance of twenty yards of the boat which is passed, or attempted to be passed, under the penalty of two hundred and fifty dollars, to be recovered against the captain, master or commander of the said boat which shall violate the provision of this section; or against any person having the chief command or charge of such boat at the time when the penalty shall be incurred: and the owners of such boat shall be jointly and severally liable for the penalty contained in this section, with the costs of prosecuting therefor; and every master or other person, having the chief command or charge of such boat, who shall be convicted of the penalty under this section, shall be deemed guilty of a misdemeanor, and shall be punishable by fine or imprisonment, or both, in the discretion of the court before which such conviction shall be had: *Provided*, such fine shall not exceed five hundred dollars, and such imprisonment six months.

Proviso

Lights at night

4. *And be it further enacted*, That whenever any steam-boat shall be navigating any of the waters of this state, in the night time, she shall shew two good and sufficient lights; one whereof shall be exposed near her bows, and the other near her stern, and the last shall be at least twenty feet above her deck; and in case any steam-boat shall navigate any of the waters of this state, in the night time,

without carrying, and having exposed, such lights as aforesaid, the captain, master, commander or person having charge of such steamboat at the time, shall forfeit and pay a penalty of two hundred and fifty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same: *Provided*, That nothing herein contained shall be taken to bar or preclude any action, or right of action, which any person might have had if this act had not been passed.

In part of the Hudson and Lake Champlain

5. *And be it further enacted*, That when any vessel, navigating that part of the Hudson river which is north of Fort Gansevoort, or navigating lake Champlain, shall be at anchor in the night time, in any of the said waters, she shall lower her peak, and shew a good and sufficient light, in some part of her rigging, at least twenty feet above her deck, and from her tafferil, under the penalty, for not lowering her peak, and shewing such lights, of fifty dollars; to be recovered against the captain, master, owner or commander of such vessel, or the person having charge of such vessel at the time, by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same: *Provided*, That nothing herein contained, shall be taken to bar or preclude any action, or right of action, which any person might have had if this act had not been passed.

Regulation as to driving stages

6. *And be it further enacted*, That no person hereafter driving any stage coach, wagon, sleigh or other carriage or vehicle, upon any turnpike road or public highway within this state, with or without passengers therein, shall run his horses to pass, or prevent being passed, by any other stage coach, wagon, sleigh or other carriage or vehicle, or on any other occasion, or for any other purpose; and every person offending in the premises, shall, for every such offence, forfeit and pay the sum of twenty dollars; to be recovered, with costs of suit, in an action of debt, in the name of any person who shall first make complaint and prosecute for the same to effect, before any justice of the peace having cognizance thereof: one half the sum to be recovered (exclusive of the said costs) to go to the use of the poor of the town in which the offence shall have been committed, and the other half, together with said costs, to go to the use of the party recovering the same: and in case the party convicted of the said offence, shall not pay the penalty, so to be recovered against him, and shall not have sufficient goods and chattels out of which the same can be collected, by regular process of execution, to be issued by the said justice, he shall be imprisoned on execution against his body, to be issued by the said justice for that purpose, without bail or mainprize, until he shall satisfy and pay the said penalty: *Provided*, such imprisonment shall not exceed thirty days.

Proviso

Horses to be fastened

7. *And be it further enacted*, That it shall not be lawful for the driver of any stage coach, wagon, sleigh or carriage, used for carrying passengers for hire or reward, to leave the horses attached thereto while passengers remain in the same, without first making them fast with a sufficient halter, rope or chain, or by placing the lines in the hands of some other person, so as to prevent their running; and if any such driver shall offend against this section, in addition to the damages which may be recovered against such driver, he shall be liable to a penalty of twenty dollars, to be recovered in an ac-

tion of debt, with costs of suit, if prosecuted within six months, before any justice of the peace of any city or county, for the use of the person who shall first sue for the same; and upon such recovery, unless same is paid, an execution may be forthwith issued; and if said penalty cannot be recovered of such driver, then the same may be recovered of the owner or owners of any such coach, wagon, sleigh or carriage, in the manner aforesaid, in an action of debt on such judgment.

Penalties how recovered

8. *And be it further enacted*, That all penalties incurred by this act, may be recovered by any person who will sue for the same, with costs of suit, in his own name and to his own use, in any court having cognizance thereof; and the venue in any action brought to recover any penalty imposed in either of the sections of this act relating to the Hudson river, may be laid in any city or county bordering on the Hudson river, on whatever part of the Hudson river the offence may have happened, and those for offences committed on lake Champlain, in any county bordering upon that lake.

Racing prohibited

9. *And be it further enacted*, That from and after the first day of July next, if the owner or driver of any wagon, sleigh, sled, or any other carriage of any description whatever, shall wilfully permit, or cause the horse or horses drawing such wagon, sleigh, sled or other carriage, to run or to race on the highway, any person so offending shall be considered guilty of a misdemeanor, and liable to be indicted and punished therefor, by fine not exceeding fifty dollars, or imprisonment, in the discretion of any court having cognizance thereof, not exceeding sixty days.

Hackney coaches

10. *And be it further enacted*, That nothing in this act contained which relates to carriages employed to carry passengers for hire, shall be taken to extend to, or in any wise to affect the laws of the state or of any incorporation for regulating or licensing hackney coaches or carriages in any city in this state.

Owners and drivers

11. *And be it further enacted*, That in all cases when the owner or owners of any such stage coach, wagon or other carriage, shall be compelled to pay any fine or damages recovered against any driver thereof, for any violation of this act, such owner or owners may set off the amount thereof against any sum which may be due to such driver from said owner or owners.

Copy of this act to be put up

12. *And be it further enacted*, That it shall be the duty of the captain or commander of every such steam-boat, to keep a copy of this act posted in a conspicuous place in such boat, for the inspection of all persons on board the same; and in case of neglect herein, such captain or commander shall forfeit and pay the sum of twenty-five dollars.

CHAP. 223.

AN ACT *in addition to the Act, entitled "An Act to vest certain Powers in the Freeholders and Inhabitants of the Village of Watertown," passed April 7th,* 1820.

Passed April 17, 1826.

Additional powers granted to trustees

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, it shall and may be lawful for the trustees of the village of Watertown, in the county of Jefferson, to make and establish such ordinances, by-laws and regulations as they shall judge reasonable, to prevent vice, to preserve good order, to regulate and license grocers, and victualling-houses and ordinaries, where fruit, victuals and liquor shall be sold to be eaten or drank in such houses or groceries; to prevent the sale of spirituous liquors to any child, apprentice or servant, without permit from his parent, guardian or master; to prevent riots and all noisy conduct near any dwelling-house; to restrain and suppress gaming houses; to regulate the price, and manner of weighing hay; to enforce the due observance of the Sabbath; to prevent the firing of any guns, muskets, pistols, squibs, crackers or fire-balls in said village; to enter into and examine all dwelling-houses, stores, shops, manufactories, yards and out-houses, to ascertain whether any such places are in a dangerous state in respect to fires, and to direct them to be placed in a safe and secure condition; to authorise any constable or magistrate to prevent persons from immoderately riding or driving in any street in said village, and to inflict fines for any such offence; to punish any person by fine for unreasonably whipping or beating any horse, ox or other beast in the streets of said village; to compel any person to assist in the extinguishment of any fire; to require the inhabitants of said village to provide and keep scuttles and ladders to their houses; to prevent, abate or remove any nuisances, and to prevent and remove encroachments on any street or side-walk in said village; and to enforce the due observance thereof, by inflicting penalties on any person for the violation of any by-law or ordinance of said trustees authorised by this act, or the act hereby amended, not exceeding ten dollars for any one offence, recoverable with costs, in an action of debt, by and in the name of the treasurer of said village, in any court having cognizance thereof, in which action the first process shall be by warrant, and in which action it shall be sufficient to declare in debt for such penalty, and give the special matter in evidence; and for the purpose of enforcing the by-laws of said village against offenders who have no goods or chattels, land or tenements, liable to be sold on execution, whereof such penalties can be collected, it shall be lawful for the court before whom any such offender shall be convicted, to cause such person to be imprisoned without bail or mainprise, for a term not exceeding twenty days, in the gaol of the county of Jefferson; and that all such prosecutions shall be instituted by and in the name of the treasurer, upon the order of the trustees, or a majority of them; and the said trustees shall defray all fees and expenses which such treasurer shall incur by means of

any such prosecution; and no such prosecution shall abate by reason of the death or removal from office of any such treasurer, but the same shall be continued in the name of his successor in office; and that no person shall be deemed incompetent, either as judge, justice, juror or witness, by reason that he is an inhabitant of said village, upon any trial of any issue or matter of fact arising under this act, or any by-law of said trustees; and if any person shall be sued for any thing done by virtue of this act, or the act hereby amended, or any by-law of said village, it shall be lawful for such person to plead the general issue, and give this or the act hereby amended, or the by-laws of said village, and the special matter, in evidence at the trial; and if, upon such trial as last aforesaid, a verdict shall pass in favor of the defendant, or the plaintiff discontinue or become non-suit, the defendant shall recover double costs.

Amount of money to be raised.

2. *And be it further enacted*, That the said trustees shall determine, on the first Monday in May in each year, what sum of money shall be paid to them for the use of said village, not exceeding twenty-five dollars, for each license to retail liquor to be drank in any grocery, and to keep a victualling-house in said village: *And further*, That this act shall be a public act, and shall be construed favorably in all courts, for the beneficial purposes hereby intended.

Right to repeal

3. *And be it further enacted*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

CHAP. 224.

AN ACT *to amend an Act, entitled "An Act further to amend an Act to lay a Duty on Strong Liquors, and for regulating Inns and Taverns," passed April* 1, 1824.

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the proviso in the said act, limiting the number of inns and taverns in the town of Auburn to six, be and the same is hereby repealed: *And be it further enacted*, That the commissioners of excise for the town of Auburn shall and may be authorised to exact and receive for licenses, under and in pursuance of the act hereby amended, any sum not less than ten dollars, nor above fifty dollars: *Provided*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

CHAP. 225.

AN ACT *to annex a certain Road to the Village of Ogdensburgh, in the County of St. Lawrence.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all that part of the old state road so called, leading from the village of Ogdensburgh, to the vil-

lage of Heuvel, which lies between the village of Ogdensburgh and a point in said road, one and an half miles northerly, from the bridge over the Oswegatchie river at Heuvel, be and the same is hereby annexed to the village of Ogdensburgh, and is hereby constituted a road district, subject to be divided by the trustees of said village or a major part of them, and that the same shall hereafter be exempt from the superintendence of the commissioners of highways of the town of Oswegatchie; and the said trustees shall have all the powers over the said road district or districts, and discharge all the duties which by law are given to them over the highways and streets of said village.

1826

CHAP. 226.

201

AN ACT *to incorporate the Village of Saratoga Springs.*

Passed April 17, 1826.

Bounds of the village

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all that district of country lying in the town of Saratoga Springs, county of Saratoga, and state of New-York, situated between two lines parallel to, and each half of a mile distant from the following described line, to wit: beginning on the line between the Livingston and Ostrander lots, in the centre of the highway, near the house of Jesse Ostrander; running northerly as the highway runs, till it strikes Broad-street, as laid out on a map of lots at Saratoga Springs, belonging to Gideon Putnam, thence northerly along the centre of Broad-street, till the said line intersects the highway leading from the upper village to *Greenfield,* near the new Methodist meeting-house; thence north to *Greenfield* line, shall continue to be called and known by the name *of the village* of Saratoga Springs; and all the inhabitants residing within the limits aforesaid, be and hereby are ordained, constituted and declared to be from time to time, and forever hereafter, a body corporate and politic, in fact and in name, by the name of "The Trustees of the village of Saratoga Springs," and by that name they and their successors forever hereafter, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change or alter the same at pleasure: and also, that they and their successors, by their corporate name, shall be capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said village; and of erecting any public buildings, or aqueducts, and digging any reservoirs for water for the use of said village, or extinguishing fire, and keeping in repair such buildings, aqueducts and reservoirs; of purchasing and keeping in repair, fire engines, ladders, buckets and other instruments for extinguishing fire.

Style of the trustees

Annual meetings

2. *And be it further enacted,* That it shall and may be lawful for the inhabitants of the said village, who are qualified to vote for members of Assembly, to meet on the first Tuesday of May next,

at such time in the day, and at such place in said village, as shall be appointed by the justices of the peace residing in the said village, and notified to the inhabitants thereof, at least one week previous thereto, by a notice in the newspaper printed in the said village, or posted up in three public places in the same, and then and there elect by ballot, five trustees, a clerk, treasurer, two constables and overseers of highways for the said village, residents within the same, and such justices shall preside at such meeting as inspectors of the said election; shall decide upon the qualifications of persons offering to vote; and for the purpose of ascertaining the qualifications of persons offering to vote, may administer an oath, and interrogate them, and shall declare the persons having the greatest number of votes duly elected; and on every first Tuesday of May thereafter, there shall in like manner be a new election of the said officers for the said village; and the trustees for the time being, shall preside at such election, give notice thereof, and conduct the same as the justices are above directed.

Special meetings

3. *And be it further enacted*, That the trustees shall have the power to call special meetings, which shall be conducted as annual meetings are, whenever they or a majority deem fit; either to fill vacancies in offices happening by death, absence or inability, or for other purposes, and the officers elected at an annual or special meeting, shall hold their offices till others are duly qualified to succeed them.

Penalty for not serving if elected

4. *And be it further enacted*, That if any inhabitant of the said village qualified at the time to vote for the said officers, shall be elected to any office in the said village, except treasurer and constables, and having notice thereof, shall for five days after such notice, neglect or refuse to take upon himself such office, he shall for such neglect or refusal, forfeit the sum of twenty-five dollars, to be recovered in the name of the treasurer of the said village, for the use thereof, in an action of debt in any court having cognizance thereof, with costs of suit.

President

5. *And be it further enacted*, That the trustees within ten days after their election in every year, or the majority of them, shall assemble in said village, and choose some suitable person of their body, to be president of said board of trustees; whose duty it shall be when present, to preside at the meetings of the trustees, to order extraordinary meetings of the trustees whenever he shall think proper, to receive complaints of the breach of the by-laws; to see that the by-laws, rules and ordinances are faithfully executed and observed; and to prosecute in the name of the treasurer all offenders against such by-laws, and to see that the public property belonging to the said village, be suitably taken care of and kept in order; and to do such other acts and things as may be proper for him as president of the board of trustees; and in case of the death or disability of the president, the said trustees shall choose out of their body, a successor in manner as above mentioned.

By laws

6. *And be it further enacted*, That the said board of trustees shall have power to establish such ordinances, by-laws and regulations as they shall think proper and reasonable, to prevent vice and immorality; to preserve peace and good order; to detect and restrain every fraudulent device and practice in said village; to prevent the sale of any spirituous liquor to any child, apprentice or servant within the said village, without a permit from his or her parent,

master or mistress; to prevent all riots, quarrelling or noisy conduct in or about the premises of any inhabitant within the said village; to enforce the due observance of the sabbath; to suppress and restrain disorderly houses, houses of ill-fame and gaming houses, and other instruments and devices for the purpose of gaming; to regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of lights in livery and other stables; to regulate the place and manner of weighing hay; to regulate the running at large of dogs owned by persons residing in the village, or impose a reasonable tax on the owners; to regulate and prevent the firing of guns, muskets, pistols, rockets, crackers, squibs and fire-balls in said village; to regulate slaughter-houses; to appoint fire engineers; to establish fire companies, and to prescribe their powers and duties in preventing or extinguishing fires; to authorise any magistrate or constable to stop any person riding or driving immoderately through, or in any street or place in the village, or otherwise prohibit such offences; to abate or remove any nuisance in any street or on the lot or inclosure of any person or persons or in the highway; to suspend any firemen and appoint others in their stead, till the next meeting of the corporation, when the cause for the suspension shall be stated to the meeting, who may remove or restore the fireman; to exempt firemen from serving on juries, except justices juries in the village; to exempt them from military duty; and the certificate of the president, dated within one month of the time of exhibiting it, shall be evidence of the fact in all courts and places whatever: *Provided*, That the number of firemen shall not exceed sixteen to each engine in said village; to require the inhabitants to provide and keep suitable fire buckets, and proper ladders to their houses, which are hereby declared appurtenants to the real estate, and exempt from seizure, distress or sale in any manner whatever; and in case the owner or occupant refuses to get or procure suitable fire-buckets and ladders after reasonable notice, the trustees may procure and deliver the same to him, her or them, and on default of payment thereof, the president may bring an action for work and labour done for such occupant or owner, in any court having cognizance thereof, in the name of the treasurer, and shall be entitled to recover in such action the value of the fire-buckets or ladders or both, with costs of suit; to inclose and regulate the public burial ground in the village; to prevent the incumbering of streets, highways, lanes and alleys, in any wise however; to restrain the running at large of horses, cattle, swine or geese; to compel the cleaning of chimnies; to restrain vagrants, beggars or persons soliciting alms; to prevent and remove all encroachments on every street, highway or alley in said village; and generally to make all such rules, regulations, by-laws and ordinances for the good government and order of said village, as the said board of trustees may deem expedient and proper, not repugnant to the laws and constitution of this state or the United States; and to enforce the due observance thereof, by inflicting such penalties on any citizen or inhabitant thereof, or other person or persons, for the breach of any by-law or ordinance of the said board, not exceeding twenty-five dollars for any one offence, recoverable with costs, in an action of debt by and in the name of the treasurer of the said village, in any court having cognizance thereof, with

costs of suit; in which action the first process may be by warrant, nor shall any exemption be allowed thereon, except necessary bedding, wearing apparel and working utensils; in which action it shall be lawful to declare generally in debt for such penalty, and to give the special matter in evidence: *And further*, That for the purpose of enforcing the by-laws of the board of trustees against offenders, who have no goods or chattels, lands or tenements, whereof such penalties can be made or collected, it shall be lawful for the court before whom any such offender shall be duly convicted, to cause such person to be imprisoned for a time not exceeding thirty days, in the jail of the county of Saratoga; and that all fees and expenses of prosecuting and punishing offenders under the said by-laws, shall be defrayed by the president, and that upon trial, examination or a judicial investigation of any issue, matter of fact, or other thing whatsoever, arising under this act, or any by-laws of the said trustees, no person shall be deemed incompetent as judge, justice, juror or witness, by reason that he is an inhabitant of said village; and if any person shall be prosecuted for any matter or thing done by virtue of this act, it shall be lawful for such persons to plead the general issue, and give this act and the special matter in evidence at the trial, and in case judgment shall be rendered in favour of such person he shall recover double costs.

Road district

7. *And be it further enacted*, That the village of Saratoga Springs shall be, and the same is hereby constituted a separate road district; and that the same shall be exempt from the superintendance of the commissioners of highways of the town of Saratoga Springs, and the trustees of said village are hereby elected commissioners of highways for the same, except as to laying out, altering or discontinuing any part of the highways within the same: and the overseers of highways elected for said village shall have the same power, be subject to the same duties and to the same regulations and orders of the commissioners of highways of the town of Saratoga Springs, relative to laying out, altering or discontinuing any part of the highway in the said village; and shall have the same power, and be subject to the same regulations of the trustees of the said village as commissioners of highways in all other matters, as overseers of highways by law now have or are subject to, giving in his lists, and being accountable to the trustees and clerk in the same manner as overseers of highways are bound by law to do to the town clerk and commissioners of highways.

Commissioners of highways

8. *And be it further enacted*, That the trustees of the said village, as commissioners of highways, shall assess the persons residing within the same, according to the "act to regulate highways," and the lands of non residents in said village, and streets in said village may be also assessed for the improvement of highways, and if the assessment shall remain unpaid when the overseer makes his annual report to the trustees, they may order by such regulations as they deem expedient, the same or some part thereof to be sold for the shortest term of years, sufficient to raise the tax, after giving six weeks public notice of such sale in the newspaper printed in the village, six weeks notice in the newspaper printed by the printer to the state, and allowing the owner one year after the sale to redeem the same on paying the expense of said assessment, and expense of sale, and the interest thereon; and the overseer of high-

ways of the said village after performing such labour on the highways and streets in said village, as the trustees shall direct, shall pay all monies remaining in his hands to the treasurer of the village, and all monies arising from the sale of non residents lands, not appropriated to the improvement of the highways and streets, shall also be paid into the treasury of the village.

Commissioners of excise

9. *And be it further enacted*, That the trustees of the said village, for six years from the last day of April next, shall be commissioners of excise for the said village, and have the exclusive power of granting licenses to keep inns and taverns, and permits to retail strong or spirituous liquors under five gallons, to persons within the limits of the said village, which licenses and permits shall have the same effect as if granted by the commissioners of excise of the town of Saratoga Springs.

Licenses and permits

10. *And be it further enacted*, That the trustees in granting licenses and permits as aforesaid, shall conform in all things to the "act to lay a duty on strong liquors, and for regulating inns and taverns," and shall pay over all monies received by them for licenses or permits, and the fees received for granting the same, to the trustees of the said village, and all forfeitures for selling liquors contrary to the said "act to lay a duty on strong liquors, and for regulating inns and taverns," happening or arising within the village, and it shall be paid to the treasurer, and it shall be the duty of the president of the board of trustees to prosecute all such offenders against the said act within the limits of the village, in the name of the treasurer, and the expenses of such prosecution shall be paid by the trustees on the warrant of the president.

Fire engines

11. *And be it further enacted*, That the trustees shall expend one half of the monies received for licenses for inns and taverns, or permits to sell strong or spirituous liquors under five gallons; and forfeitures for violations of the "act to lay a duty on strong liquors, and for regulating inns and taverns" as aforesaid; in purchasing engines, sinking reservoirs, building engine houses, and procuring the necessary apparatus to employ engineers to best advantage, and they are hereby authorised to pledge the fund arising from these sources, for the term aforesaid, and to procure as soon as convenint one or more engines, and the necessary apparatus for using them, for the use of the village: *Provided*, That the trustees shall pay the other half of the said monies for the use of the poor of the said town, to the overseers of the poor of the town of Saratoga.

Shows

12. *And be it further enacted*, That it shall be lawful for the trustees of the village to permit or restrain the exhibition of any natural or artificial curiosities or caravan of animals, or other shows or exhibitions for money, under such regulations as they shall deem expedient, and to direct the constables to attend and prevent riots or quarrelling at or near any such exhibitions.

Erection about the springs

13. *And be it further enacted*, That it shall and may be lawful for the trustees of the said village, by and with the consent in writing, signed by the owner or occupant of the land on which any of the medicinal or mineral springs within the said village are situated, or upon which any such spring may hereafter be found; to make erections about the said springs for the convenience of persons visiting the same, for the purpose of drinking and otherwise using the waters; to see that the passage to and from the said

springs is kept open, and to prevent the same from being interrupted by carts, wagons or other carriages, or by lumber of any kind; to appoint proper persons to attend the spring, and draw the water for such as wish to drink or otherwise make use of the same, without demanding any compensation for the same; to make regulations for preserving cleanliness about the spring and the purity of the fountains, and to inflict such penalties on persons offending against such regulations as the trustees deem fit, to be recovered in like manner as the penalties mentioned in the sixth section of this act.

Bottling the waters

14. *And be it further enacted*, That it shall and may be lawful for the said trustees, by and with the consent, in writing, of the owner or occupant of the lands on which any mineral or medicinal spring or fountain is situated, to regulate the hours of bottling and putting up of the waters at the said springs.

Accounts

15. *And be it further enacted*, That the president shall keep a just and accurate account of his necessary expenses and disbursements, at all reasonable times, open to the inspection of the inhabitants of said village, and on exhibiting the same to the treasurer, shall be entitled to receive the amount thereof out of any money in the treasury.

To be exhibited annually

16. *And be it further enacted*, That the trustees shall, each and every year, at the place where the annual meeting is held, exhibit a statement of the money received by them or paid out on their warrant, the amount expended, and how expended, which statement shall be left with the said clerk at least three days prior to such election, and open for inspection.

Clerk's duty

17. *And be it further enacted*, That the clerk shall keep two separate books, to be furnished by the trustees; in one book shall be entered the proceedings of the meetings of the corporation, election of officers, and votes and appropriations of money, and other proceedings of the meetings; and in the other book shall be entered the votes and the proceedings of the trustees; and the trustees are required to supply such books as often as may be necessary; the clerk shall keep on file in his office all reports of trustees, treasurers and overseers of highways, the bonds of treasurers and constables, all recognizances taken on granting licenses to taverns or permits to retail liquors, all assessments of road taxes made by the trustees, and all papers belonging to and relating to the said village.

Treasurer to give bond

18. *And be it further enacted*, That the treasurer, before he enters on the duties of his office, shall give a bond with two or more sufficient sureties, being freeholders of the said village, to the trustees, in such penalty as they deem fit, conditioned for the faithful performance of his duty as such treasurer.

To keep account of money received for licenses

19. *And be it further enacted*, That the treasurer shall keep a separate account of all monies received by him for licenses under the "act to lay a duty on strong liquors, and for regulating inns and taverns," and shall, at every annual meeting, make a statement of the receipts and disbursements of the same, and shall also make a statement to the same meeting of all the monies received by him, and for what the same were received, and of all monies paid out of the treasury, and for what purposes the same was paid out, and the monies remaining in the treasury, if any.

How to pay out money

20. *And be it further enacted*, That it shall be the duty of the treasurer to pay out monies in the treasury on the warrant of the

trustees, or a majority of them, and he shall pay such sums of money to the president and clerk as may be voted to them for their services.

Constables to give security

21. *And be it further enacted*, That the constables elected for the said village shall give security for the faithful performance of their duties to the trustees, and shall have the same powers, and be subject to the same duties, in all cases, civil and criminal, within the county of Saratoga, as constables elected by the town of Saratoga Springs at the annual town meeting.

Fire wardens

22. *And be it further enacted*, That it shall and may be lawful for the trustees to appoint three fire-wardens, whose duty it shall be, at all reasonable times, to enter upon and examine the premises of any person within said village, in order to discover sources where damage by fire may be expected; and if they shall discover that the premises of any person are in such a situation as to require any precaution against damage by fire, they shall report the same to the trustees, who shall give reasonable notice of such report to the owner or occupant of the premises; and if he or she shall refuse or neglect to take the proper measures for the prevention of fires, the trustees may take such measures, and bring an action of debt in the name of the trustees for the expense, and the sum so recovered may be collected in the manner provided for the collection of the expense of providing fire-buckets and ladders.

A public act

23. *And be it further enacted*, That this act is hereby declared to be a public act, and that all the rights and privileges hereby granted are subject to a right in the legislature to amend, alter or repeal the same.

CHAP. 227.

AN ACT *to secure to the Owners and Proprietors of Little Lake the exclusive right of Fishing therein after a limited time, and for directing the Mode for taking Fish in certain Waters in the County of Greene.*

Passed April 17, 1826.

Preamble

WHEREAS it is represented that Nicholas Russell, Benjamin M. Young, John A. Shafer, Richard Young and Thomas Lawyer, are the owners and proprietors of a small lake at the foot of Kerker's mountain, in the towns of Carlisle and Cobelskill, in the county of Schoharie, and that they contemplate to raise, cultivate and improve in the said lake the growth of fishes: Therefore,

Fishing regulated

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall not be lawful for any person or persons to take or catch, or cause or procure to be taken and caught, in any way or manner, any of the fish in the lake called Little lake, in the towns of Cobelskill and Carlisle, in the county of Schoharie, from and after the passage of this act, excepting the owners and proprietors of said lake, after the first day of December in the year one thousand eight hundred and twenty-eight.

Penalties

2. *And be it further enacted*, That every person who shall offend against the provisions of this act shall, for every such offence,

forfeit and pay the sum of ten dollars, to be recovered, with costs of suit, in an action of debt, before any court having cognizance of the same, by any person who will prosecute for the same to effect, one half of which forfeiture, when recovered, shall be paid to the overseers of the poor of the town where such offence shall be committed, for the use of the poor of such town, and the other half for the use of the person who shall prosecute for the same.

3. *And be it further enacted*, That it shall not be lawful for any person or persons, after the passage of this act, to take any fish by means of any seine or seines, net or nets, spear or spears, set line, basket, or in any other manner except by single hook and line, in any pond or lake, or the Cauterskill creek, in the county of Greene; and if any person or persons shall take any fish in any such pond, lake or stream aforesaid, within the county aforesaid, contrary to the provisions of this act, he, she or they shall forfeit for every offence the sum of ten dollars, to be recovered in an action of debt, before any justice of the peace of the said county, with costs of suit, by any person who will prosecute for the same. Fishing in Greene county

CHAP. 228.

AN ACT *requiring the Clerk of the City and County of New-York to give Bond for the faithful Appropriation of Monies coming to his hands.*

Passed April 17, 1826.

WHEREAS it is represented to the legislature of this state that sums of money are frequently deposited in the hands of the clerk of the city and county of New-York, as clerk of the court of common pleas for the said city and county, during the pendency of suits in that court, and also in cases of partition of lands, to be placed at interest for the benefit of widows and minors interested therein: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That every person hereafter elected to the office of clerk of the city and county of New-York, shall, before he enters upon the duties of his said office, execute a bond to the people of this state in the penal sum of fifteen thousand dollars, with two sufficient sureties, to be approved by the first judge of the court of common pleas for the city and county of New-York, jointly and severally in the said sum, to answer to the people of this state, and to the parties interested, if any will complain, which bond shall be in the form and to the effect following, to wit: Clerk to give bond

"Know all men by these presents, that we, of are held and firmly bound to the people of the state of New-York in the penal sum of fifteen thousand dollars, to be paid to the said people, for the payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this day of in the year one thousand eight hundred and Form thereof

"Whereas the above bounden hath been elected to the office of clerk of the city and county of New-York: Now therefore the condition of the above obligation is such, that if the said

shall well and faithfully in all things apply, appropriate and pay over, all such sum and sums of money as he may from time to time receive in virtue of his said office, during his continuance therein, without fraud, deceit or delay, then the above obligation to be void, or else to remain in full force:" which said bond, when executed and approved as aforesaid, shall be filed in the office of the clerk of the supreme court in the city of New-York.

On going out of office

2. *And be it further enacted*, That whenever any clerk of the said city and county shall go out of office, and shall have paid over to his successor all the monies then remaining in his hands, accompanied by such vouchers and statements in relation thereto as shall be satisfactory to such successor, it shall thereupon be the duty of the first judge of the said court of common pleas to grant a rule or order of the said court, authorising and requiring the said clerk of the supreme court to give up the said bond to the parties executing the same, to be cancelled.

Duty of the present clerk

3. *And be it further enacted*, That it shall be the duty of the present clerk of the city and county of New-York, within twenty days after the passage of this act, to execute a bond in the manner prescribed in and by the first section of this act, and in all things to conform thereto, in the same manner as he would have done had this act been in force at the time of his election.

CHAP. 229.

AN ACT *concerning the Gospel and School Lots in the Town of Salina, and County of Onondaga.*

Passed April 17, 1826.

Trustees to be elected

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful for the inhabitants of the town of Salina, in the county of Onondaga, qualified to vote at town meetings, at their annual town meetings to elect by ballot three trustees, being freeholders and inhabitants of the said town, whose duty it shall be to take charge of the lots in said town assigned to the said town for the support of the gospel and school, and to receive the rents, issues and profits thereof, or the proceeds arising from the sale thereof, to the uses and purposes prescribed and mentioned in the act, entitled "An act concerning the gospel and school lots," passed April 2d, 1813; and the said trustees shall have the same powers and privileges, and be bound by and observe all the provisions contained in the said act, and the acts amending the same, with respect to the powers, privileges and duties of trustees under said act; and the inhabitants of the said town of Salina shall have and enjoy all and singular the powers, rights and privileges in relation to the proceeds arising from the sale of the said lots, or the rents, issues and profits thereof, as the inhabitants of the certain other towns therein named have by virtue of the said act.

To give security

2. *And be it further enacted*, That the said trustees shall, before they enter on the duties of said office, give such security for the faithful performance thereof as the supervisor and town clerk may require.

CHAP. 230.

AN ACT *relative to the Public Buildings in the City of Albany.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the surveyor-general, secretary of state and comptroller, or any two of them, be and they are hereby appointed commissioners to receive proposals and to contract for a building, to be connected with the one occupied by the state officers, for the better accommodation of the several state officers, agreeable to the plans and specifications submitted to the legislature by a joint committee upon this subject. New building to be erected

2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby appropriated for the purposes aforesaid; and that the said sum, or so much thereof as shall be required to complete the said buildings, be paid to the said surveyor-general on the warrant of the comptroller $5000 appropriated

CHAP. 231.

AN ACT *to alter the time of holding the annual Town-Meetings in the Town of Davenport in the County of Delaware, and Amherst in the County of Erie.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the annual town meetings of the town of Davenport in the county of Delaware, shall hereafter be held on the first Tuesday of March, in each year, and that the committee which by law is required to audit the accounts of said town, shall hereafter meet for that purpose, on the Tuesday next preceding that on which the annual town meeting is by this act required to be held; and that the town-meetings of the town of Amherst in the county of Erie, shall hereafter be held on the first Tuesday in April in each and every year.

CHAP. 232.

AN ACT *for the relief of Amasa Lamb and Halsey Doty.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisors of the county of Rensselaer may, in their discretion, at their next annual meeting, cause to be raised, levied and collected in the town of Nassau in said county, in addition to the other charges on said town, the sum of one hundred and twenty-eight dollars and seventy cents, to

gether with the fees for collection, being the amount voted by the inhabitants of said town, to be paid to Amasa Lamb and Halsey Doty, as a compensation for their losses and expenses in the defence of prosecution against them for acting in obedience to orders from the commissioners of highways of said town; and the collector of said town, as soon as the same shall have been collected, shall pay over the said sum of one hundred and twenty-eight dollars and seventy cents, to the said Amasa Lamb and Halsey Doty, and their receipt shall be a sufficient voucher in his settlement with the county treasurer.

CHAP. 233.

AN ACT *relative to the Courts of Common Pleas and General Sessions of the Peace, in and for the County of Herkimer.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That there shall be three terms of the courts of common pleas and general sessions of the peace, in and for the county of Herkimer, in each and every year hereafter; and that the terms of said courts shall be held on the first Mondays of June, October and February, in each year; and that the said courts may be continued to be held from the time of the commencement thereof, until and including the Saturday thereafter: and that all writs and process, returnable at the next May term of said courts, shall be deemed and taken to be made returnable on the first Monday of June next; and that all and every person or persons, bound by any recognizance or otherwise, to appear at the next term of the said general sessions of the peace, shall be held bound to appear on the first Monday of June next, or in default thereof forfeit his or their recognizance, or other obligation, any law or usage to the contrary notwithstanding.

CHAP. 234.

AN ACT *authorizing Jonas Cleland to erect a Dam across the Conhocton River.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jonas Cleland is hereby authorised to erect and keep up a mill dam across the Conhocton river, on lot number nine, owned by the said Jonas Cleland, in the gore east of township number five, in the fifth range of townships in the county of Steuben; said dam not to exceed four feet in height: *Provided*, That the said Jonas Cleland shall erect an apron or lock in said dam, of such construction as to render the passage safe and easy for rafts, arks and boats common in said river, at all times

when the waters are of sufficient height to admit of their being navigated during the continuance of said dam: *And provided further*, That nothing herein contained shall be so construed as to authorise the said Jonas Cleland to raise his dam in such a manner as to overflow the lands of any other person: *And further*, That all such boats, arks and rafts shall pass and repass free from toll or expense of any kind.

2. *And be it further enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify, amend or repeal this act.

CHAP. 235.

AN ACT *to amend "An Act to incorporate the Madison Marine Insurance Company in the City of New-York," passed April* 8, 1825.

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the time for filling up the stock in the Madison marine insurance company, located in the city of New-York, and chartered the 8th day of April 1825, be extended to the 8th day of April 1827, and that the commissioners on the first Monday of June next, (1826) in some suitable place in the city of New-York, open the books to receive subscriptions to the capital stock of the said corporation, and ten days notice shall be given by the said commissioners of the time and place of the opening of such books, in two of the public newspapers printed in said city; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders to choose eleven directors, whose duty it shall be to conform in all respects to the 4th article of the act incorporating the said company, passed 8th April 1825.

CHAP. 236.

AN ACT *to incorporate the St. Andrews Society of the State of New-York.*

Passed April 17, 1826.

WHEREAS the members of a society instituted for the relief of indigent natives of Scotland, and their descendants, have petitioned the legislature for an act of incorporatiou, the better to enable them to obtain the objects of their association: Therefore, Preamble

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Robert Halliday, John Graham, John Johnston, John J. Palmer, Andrew S. Garr, and such other persons as now are or hereafter shall become members of the St. Andrews society of the state of New-York, shall be, and are hereby constituted and declared to be a body politic and corporate, in fact and in name, by the name of the "St. Andrews So- Corporation created Style, &c.

ciety of the State of New-York," and by that name they and their successors during the existence of the said corporation, shall and may have perpetual succession, and shall in law be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have and use a common seal, and may change and alter the same from time to time at their pleasure, and also that by their corporate name and in their corporate capacity, they and their successors may purchase, take, hold, use, enjoy, sell, lease and convey any estate, real or personal, for the use and benefit of the said corporation: *Provided*, That the annual income of such real and personal estate shall not at any time exceed the sum of twenty-five thousand dollars.

By-laws

2. *And be it further enacted*, That the said corporation shall have power to make such constitution, by-laws and regulations, as they shall judge proper for the appointment of officers, for the admission of new members, for the government of the officers and members thereof, for collecting annual contributions from the members towards the funds thereof, for regulating the times and places of meeting of the said society, for suspending or expelling such members as shall neglect or refuse to comply with the by-laws or regulations, and for the managing and directing the property, affairs and concerns of the said society: *Provided*, That such constitution, by-laws and regulations be not inconsistent with the laws or constitution of this state or of the United States: *Provided further*, That the said corporation shall not engage in any banking business, nor dispose of any of its funds for any other purpose than the relief of such members of the said society as may become indigent, and poor natives of Scotland, and children and grand children of a native of Scotland, or of a member of the said society.

Proviso

Officers

3. *And be it further enacted*, That the present officers of the said society shall hold their respective offices until others shall be chosen in their place.

Public act

4. *And be it further enacted*, That this act be and is hereby declared to be a public act, and that the same shall be construed in all courts and places, benignly and favorably for every beneficial purpose therein intended, and that no misnomer of the said corporation in any deed, gift, grant, devise or other instrument of contract or conveyance, shall vitiate or defeat the same: *Provided* the corporation shall be sufficiently described to ascertain the intention of the parties.

Proviso

May be repealed

5. *And be it further enacted*, That the legislature may at any time amend, alter, modify or repeal this act.

CHAP. 237.

AN ACT *to annex a part of the town of Hamburgh, in the County of Erie, to the Town of Evans.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That from and after the passing of this act, all that part of the town of Hamburgh, in the county of Erie, comprehended within the following boundaries, to wit: beginning at the mouth of eighteen mile creek, at its entrance into lake Erie; thence up the shore of said lake, as the same winds and turns to the north line of the town of Evans; thence east along said line to the aforesaid creek, be and the same is hereby annexed to the said town of Evans. Part annexed to Evans

2. *And be it further enacted,* That the supervisors and overseers of the poor of said towns, shall as soon as may be after the first day of May next, meet together, and apportion the poor, and poor funds of said town of Hamburgh, as the same existed at the passage of this act, agreeably to the last tax list of said town. Poor and poor money

CHAP. 238.

AN ACT *declaring a certain road in the County of Ulster, to be a Public Highway.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That all that part of the road commonly called the first great southwestern turnpike, which lies within the county of Ulster, shall be and is hereby declared to be a public highway; and it shall be the duty of the commissioners of highways of the towns of Kingston, Hurley, Marbletown, Rochester and Wawarsing respectively, through which the said road passes, to cause the same to be described and entered of record in the said towns as a public highway. Part declared a public highway

2. *And be it further enacted,* That it shall be the duty of the commissioners of highways of the towns aforesaid respectively, forthwith to cause the said road to be divided into road districts, and to assign to each of said districts a due proportion of the inhabitants, liable to work on highways, and to cause the said road henceforth to be worked and repaired, as a common public highway: *Provided,* That nothing in this act contained, shall be taken or construed to prejudice the right of any person or persons, or any corporation or corporations. To be districted Proviso

CHAP. 239.

AN ACT *to incorporate the Lehigh Coal Company.*

Passed April 17, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That David Johnson, John Van Nostrand, Josiah P. Phœnix, Charles Wardwell, Obadiah Holmes, and Josiah Hedden, and all such persons as now are, or hereafter may be associated with them for that purpose, shall be, and hereby are ordained, constituted and declared to be a body politic and corporate, in fact and in name, for the purpose of supplying the city of New-York with coal, by the name of the "Lehigh Coal Company," and by this name they and their successors, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors by the same name and style, shall be in law capable of purchasing, holding or conveying any estate, real and personal, for the use of the said corporation: *Provided*, That the said estate shall only be such as shall be required for its necessary accommodation in the transaction of business for which this incorporation is created.

Style &c

Proviso

Stock

2. *And be it further enacted*, That the capital stock of the said company shall be six hundred thousand dollars, divided into shares of one hundred dollars each; that the said shares shall be deemed to be personal estate; and subscriptions to the said stock shall be opened, under the direction of the directors hereinafter named, on or before the first day of July next, at such time and place as the said directors may appoint, on giving ten days previous notice thereof, in two or more of the daily papers printed in the said city, and the books shall be kept open until the said sum of six hundred thousand dollars shall be subscribed, and each subscriber shall pay at the time of subscribing, five dollars on each share by him so subscribed, and the residue thereof to be paid in manner aforesaid, as the company shall thereafter direct.

Directors

3. *And be it further enacted*, That the stock, property, affairs and concerns of the company shall be managed and conducted by twelve directors, being stockholders, and citizens of the United States; which directors shall hold their offices from the first day of July next, until the first day of July thereafter, and until others shall have been duly elected in their stead; and they shall be elected on the first Monday of July in each and every year thereafter, at such time and place in the city of New-York as a majority of the directors for the time being shall appoint; and public notice thereof shall be given by the said directors, not less than ten days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the daily newspapers printed in the city of New-York; and such election shall be made by such of the stockholders

of the said company as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, and be determined by a plurality of votes; and the number of votes to which the stockholders shall be entitled in voting for directors, shall be according to the number of shares each stockholder so voting shall respectively hold; and shall be entitled to one vote for every share; and the directors elected, as soon as may be thereafter, shall proceed to elect one of their number, by ballot, who shall be their president, and another person, by ballot, who shall be their secretary: and if any director shall remove out of the state, or cease to be a stockholder, his office shall be considered as vacant; and whenever any vacancy shall happen among the directors, by death, resignation, removal or otherwise, such vacancy shall be filled, for the remainder of the year in which it shall happen, by such person as the remainder of the directors, for the time being, or a majority of them shall appoint; and that David Johnson, John Van Nostrand, Josiah P. Phoenix, Charles Wardwell, Obadiah Holmes, Daniel E. Smith, Charles Hale, Josiah Hedden, Robert Smith, Adam D. Smith, A. P. Hamlin and Floyd S. Bailey, shall be the first directors, who shall hold their offices respectively, until the first day of July, one thousand eight hundred and twenty-seven, and until others shall be chosen; and they shall at their first meeting under this act, elect by ballot as aforesaid, out of their own number, a president. First directors

4. *And be it further enacted*, That a majority of the directors, for the time being, shall be a quorum for the transaction of business, and shall have power to make and subscribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the government of the said company in all respects. Quorum

5. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate, and shall be assignable and transferable, and that no transfer of stock in said company shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors of the company for that purpose, which book or books shall at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any demand against said company, the payment of which shall have been refused, and in case any officer of said company, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of two hundred and fifty dollars, the one moiety thereof to the people of this state, and the other moiety to him who shall sue for the same by action of debt, in any court of record, together with the costs of such suit. Stock transferable

6. *And be it further enacted*, That the stockholders of the said corporation shall be holden, in their individual capacities, responsible, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively; and any person having any demand against the said company, may sue any stockholder singly, or any two or more stockholders jointly, and recover in any court having cognizance thereof: *Provided*, Such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also*, That the said Responsibility

company shall be liable to be prosecuted as a corporation for any such demand.

Banking prohibited

7. *And be it further enacted*, That it shall not be be lawful for said company to issue any bond, note or bill of credit, or to discount or purchase any note or other chose in action, nor to carry on any banking or insurance business.

Power to repeal

8. *And be it further enacted*, That the legislature may alter, modify or repeal this act.

CHAP. 240.

AN ACT *to provide for making a lateral Canal from the Erie Canal to the Salt Works at Montezuma.*

Passed April 17, 1826.

Route

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the canal commissioners, as soon as may be after the passage of this act, to survey, lay out and establish the lines of a lateral canal, by the most easy and practicable route, form the Erie canal to the salt works at Montezuma, in the county of Cayuga, and to give notice to the manufacturers of salt at Montezuma aforesaid, of the route so surveyed, laid out and established by them.

Lateral canal

2. *And be it further enacted*, That it shall be lawful for the said salt manufacturers at Montezuma to make, or cause to be made, upon the line established by the commissioners, a lateral canal from the Erie canal to their said salt works, of such dimensions as they shall think proper, and as soon after the said line shall be fixed upon and established by the commissioners, as they shall choose to

Proviso

make and complete the same: *Provided*, That the dimensions of the canal so to be made shall not be in any respect less than the average and established dimensions of the Erie canal: *And provided also*, That the same shall be completed, and all necessary bridges erected over and across the same, within two years from and after the passing of this act.

Rates of toll, &c

3. *And be it further enacted*, That whenever, and as soon as the said manufacturers shall have completed the said canal, and the bridges over and across the same, to the satisfaction of the canal commissioners, and shall have executed or caused to be executed to the said canal commissioners, for the use of this state, a good and sufficient conveyance of the land occupied by the said canal, together with a release of all claims upon the state for making the same, it shall be the duty of the said canal commissioners to take possession of the canal so made; to establish the rates of toll to be received upon the same, pursuant to the regulations of tolls upon the Erie canal; to keep the same in repair, and to superintend it in all respects as part of the state canals; and it shall be the further duty of the said commissioners, after the execution and delivery of the conveyance and release in the manner above mentioned, and after the said canal shall be completed to their satisfaction, to execute and deliver to the comptroller of this state a certificate, setting forth that

the said canal is so completed, and that the said conveyance and release have been so executed and delivered; which said certificate shall be filed in the office of the said comptroller.

4. *And be it further enacted*, That upon the filing of the certificate of the canal commissioners mentioned in the last preceding section of this act, in the office of the comptroller, as in that section directed, it shall be the duty of the said comptroller to draw his warrant upon the treasurer, in favor of George W. Fitch, Job Tyler, Jethro Wood and Royal Torrey, four of the said manufacturers, and who are hereby appointed commissioners to superintend and cause the said canal to be made, for the sum of three thousand five hundred dollars: *Provided*, That the duties paid into the treasury of this state after the first day of January, in the year of our Lord one thousand eight hundred and twenty-six, upon salt made at the said Montezuma salt works, shall be equal to that sum at the time of drawing the said warrant; but if the said duties shall not be equal to the sum above mentioned, then the said comptroller shall draw his warrant as aforesaid for such sum as the said duties shall amount to at the time of drawing the same, and his further warrant from time to time for a sum equal to the amount of duties received upon salt made at the said works, until all the warrants so drawn shall amount to the said sum of three thousand five hundred dollars above mentioned, and no more.

Comptroller to pay $3,500

Proviso

CHAP. 241.

AN ACT *to revive an Act, entitled "An Act to incorporate the Monroe Fire Insurance Company, to be located in the Village of Rochester," passed April* 9, 1825.

Passed April 17, 1826.

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That the act, entitled "An act to incorporate the Monroe Fire Insurance Company, to be located in the village of Rochester," shall be, and the same is hereby revived; and that the president and directors of the said company shall have time to receive subscriptions to the capital stock of the said company, and to have the whole amount of the said capital stock subscribed, and to be actually paid for, or secured to be paid in the manner mentioned in the said act, until the first day of January, one thousand eight hundred and twenty-seven.

Act revived

2. *And be it further enacted*, That the said president and directors shall be, and hereby are entitled to all the privileges and benefits, and be subject to all the provisions, conditions and penalties in the said act mentioned: *Provided however*, That if the said capital stock shall not be actually paid for, or secured to be paid, in the manner mentioned in the said act, on or before the said first day of January, then this act, and the act hereby amended, shall be void and of no effect.

Privileges

CHAP. 242.

AN ACT *directing Commissioners to visit the State Prison at Auburn.*

Passed April 17, 1826.

Commissioners

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That 1. It shall be the duty of the commissioners appointed for the purpose of building a new state prison, to be located in either the first or second senate district of this state, to visit the state prison at Auburn, for the purposes prescribed in this act.

To repair to the prison and make a full inquiry

2. The said commissioners shall, as soon as conveniently may be, repair to the said prison, and make a full enquiry and examination into any abuses which may have been practised under the present or any former keeper of the said prison, in punishing any prisoner or prisoners, by flogging or otherwise, directing or permitting any under keeper to do so; in forbidding any prisoner the privilege of the hospital and medical attendance when sick, or in punishing any prisoner for feigning sickness when such prisoner was really sick; and into any and all other abuses of any kind whatsoever, which may have been practised or committed in the said prison for the term of three years now last past.

As to conduct of inspectors

3. The said commissioners shall also inquire into any improper conduct of the inspectors of the said prison during the same time, in trading with the prison, in appointing improper agents, keepers, under keepers, turnkeys, guards, or other officers of the said prison, or in retaining any such officers improperly after they were appointed, and into any and all other improper conduct of the said inspectors, or any one of them, during the term aforesaid.

As to the death of Rachel Welch

4. The said commissioners shall also inquire into the particular circumstances of the disease and death of Rachel Welch, a female convict, who lately died in the said prison, and into any punishment inflicted upon the said Rachel during her illness, into the manner in which any such punishment was inflicted, the causes why, and the authority by which it was done, together with all other circumstances attending it, and also attending the sickness and death of the said Rachel, and the probable causes of her death.

To call witnesses

5. The said commissioners are hereby authorised to issue subpœnas, to compel the attendance of witnesses, and the production of papers and writings before them, and to examine such witnesses upon oath, in relation to any matter into which they are, by this act, directed to inquire, and also in relation to any thing relating to the affairs, government and discipline of the said prison, and to the conduct of any of the officers thereof; and if any person shall wilfully, and without lawful excuse, neglect or refuse to obey any subpœna which shall be issued by the said commissioners, pursuant to the provisions of this act, he shall be liable to a penalty of one hundred dollars, to be sued for and recovered, with costs of suit, in the name of the people of this state, by any person who will sue for the same; and if any witness shall wilfully swear falsely in any testimony before the said commissioners, he shall be deemed guilty of perjury.

6. The said commissioners shall report to the legislature at its next session, a full statement of all the facts appearing in evidence before them, and which they deem material, upon the said inquiry, together with their opinion whether any, and what abuses, have been committed in the punishment of any prisoner or prisoners, the name of every such prisoner, the time when, and the cause, or alleged cause, for which any such punishment was inflicted, by whose authority or direction, and by whom inflicted; their views of the present state of the said prison, of its government and discipline, and whether any, and what alterations and improvements, in the management and discipline of the said prison, are recommended by them in addition to, or different from, those suggested in their former report to the legislature upon this subject; whether in their opinion any, and what officers of the said prison, appointed by the inspectors, are improperly retained therein, and also their opinion upon all the other matters directed by this act to be inquired into by them. To report to the legislature

7. The said commissioners shall receive three dollars per day each, for every day they, or either of them, shall be employed in the discharge of the duties of this commission, and three dollars each for every twenty miles travel, in going to and returning from the said prison, which shall be paid by the treasurer, on the warrant of the comptroller, and which shall be in lieu of all fees and expenses due to or incurred by them. Compensation

8. In case any one of the said commissioners shall, from any cause, be unable to perform the duties required of him by this act, the remaining two shall proceed to perform the said commission. Vacancies

9. The inspectors, agent, and all the other officers of the said prison, are hereby directed to admit the said commissioners, or any one of them, into every and any part of the said prison; to exhibit to them, on demand, all the books, papers, accounts and writings pertaining to the said prison, and the business, management, discipline and government thereof, and to render them every other facility in their power, to enable them to discharge their duties under this act. Duty of inspectors, &c

CHAP. 243.

AN ACT *for the Relief of Alexander MacGregor.*

Passed April 17, 1826.

WHEREAS Alexander MacGregor, late of the city of New-York, merchant, now of Liverpool, in Great Britain, a citizen of the United States of America, has by his petition represented, that he is the owner of a dwelling-house and certain lots of ground in Rivington-street, in the city of New-York, and also of about four thousand acres of the Drowned lands or Hemp lands in the county of Orange, upon which he has recently expended a large sum of money in draining, ditching and improving the same, and that all his children now living are natives of Great Britain, and praying that upon his decease his said children may be permitted to take and hold the said real estate as if they were citizens: Therefore, Preamble

Relief granted

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That from and after the decease of the said Alexander MacGregor, it shall and may be lawful for his heirs or devisees to take and hold the dwelling-house, lots of ground, lands and premises above mentioned, with the hereditaments and appurtenances, to them respectively, and to their heirs and assigns for ever, and to have and dispose of the same, and of the rents, issues and profits thereof, in like manner, and as fully, to all intents and purposes, as they might or could do if they were natural born citizens of this state: *Provided*, That no alienation of the said premises shall be good and effectual in law, other than to a citizen of the United States: *And provided also*, That nothing herein contained shall be taken to bar, preclude, or in any wise to affect the right or title which any citizen of the United States may have to the said premises.

Proviso

CHAP. 244.

AN ACT *relative to the Gospel and School Lots and the Literature Lots in Sidney and De Kalb.*

Passed April 17, 1826.

Lots to be appraised and surveyed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commissioners of the land-office shall cause the gospel and school lot, and the literature lot, in the township of De Kalb, to be appraised and surveyed at their actual value on the terms of sale hereinafter mentioned, exclusive of all improvements made thereon, and thereupon shall sell the said lots to the actual occupants thereof having deeds or contracts of sale from William Cooper, deceased, or his grantees, on the payment of one-fourth of the purchase money, and the securing of the residue by bond and mortgage of the lands sold, payable in three annual instalments, with interest; and that the monies received, and the securities taken on the sale of the said literature lot, shall be applied by the said commissioners to the literature fund of this state, under the control of the regents of the university, subject to the appropriations thereof heretofore made; and the monies received, and the securities taken on the sale of the said gospel and school lot, shall be delivered and transferred by the said commissioners to the trustees of the gospel and school lot in De Kalb, whenever they shall be chosen.

To be sold

Duty of the attorney-general

2. *And be it further enacted*, That the attorney-general be and he is hereby directed immediately to institute proceedings in law or equity, as he shall deem expedient, to establish the title of the people of this state to the gospel and school lot, and to the literature lot, in Sidney, and to recover the possession thereof; and on the said title being established, the commissioners of the land-office shall cause the said lots to be surveyed and appraised, in the same manner as is directed in the first section of this act, and cause the same to be sold to the actual occupants thereof having deeds or contracts of sale from William Cooper, or his grantees, on the terms in

the said first section prescribed, and shall apply the monies and securities received on such sale to the credit of the literature fund.

Unoccupied parts how to be sold

3. *And be it further enacted*, That if any part of the said lots, either in Sidney and De Kalb, are not actually and bona fide occupied as aforesaid, or if the occupants of any part thereof shall decline to purchase within such time as shall be limited by the said commissioners, they shall cause the same to be sold to the highest bidder, on the usual terms of selling the unappropriated lands of this state.

CHAP. 245.

AN ACT *to provide for Cases where there may be an equality of Votes for Members of Assembly, and where a vacancy may occur by the death of a Member.*

Passed April 17, 1826.

In case of equality of votes

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That if at any time hereafter by reason of two or more candidates having an equal number of votes for members of assembly, in any of the counties of this state, the whole number of members of assembly to which such county may be entitled, shall not be elected, it shall be the duty of the board of county canvassers of such county forthwith to give notice in writing, to be signed by the chairman and secretary, to one of the inspectors of election in each of the towns or wards in such county, which notice shall specify the vacancy to be filled, and the day on which a special election shall be held to fill such vacancy, which day shall not be less than twenty nor more than thirty days from the date of such notice.

Election how to be held

2. *And be it further enacted*, That the inspector receiving such notice shall without delay give notice thereof in writing to the other inspectors of his town or ward, and in such notice shall fix a time and place for the meeting of the board of inspectors of such town or ward, and the inspectors of each town and ward, or a majority of them, shall meet at the time and place so appointed, or if such meeting shall not take place, at such other time and place as the inspector calling the meeting shall afterwards fix, and shall by writing under their hands, give at least eight days notice to the electors of the town or ward of the time and place at which such election is to be held therein, which notice shall specify the vacancy to be filled, and the hour of opening, adjourning and closing the poll of the election on each day thereof; and the inspectors shall cause a copy of such notice to be posted in a conspicuous manner, in at least five of the most public places in their town or ward.

In case of vacancy by death

3. *And be it further enacted*, That in case of any vacancy by the death of any person who shall have been elected a member of the assembly of this state, subsequently to the election of such person and prior to the first day of February then next ensuing, it shall be the duty of the person administering the government of this state, by proclamation, to give notice thereof, which proclamation shall specify the county in which a special election is to be held to fill

such vacancy, the name of the person by whose death such vacancy occurred, and the day on which such election is to be held, which shall not be less than thirty nor more than forty days from the date of the proclamation; and the person administering the government of this state shall cause a copy of such proclamation to be delivered to the sheriff of the county in which such vacancy shall happen, whose duty it shall be upon receiving the same, forthwith to give notice in writing to one of the inspectors of election in each of the towns and wards in such county; and it shall be the duty of the inspectors of election upon receiving such notice, to proceed in the same manner as is directed in the second section of this act, and it shall be the further duty of the sheriff to cause a copy of such notice to be published in one or more of the public newspapers printed in his county once in each week from the time he shall receive the same until the election.

In N York or Albany

4. *And be it further enacted*, That whenever such vacancy shall happen in the city and county of New-York, or in the city and county of Albany, it shall be the duty of the sheriffs of the said counties respectively, to give notice immediately to the common council of the said cities respectively, of the receipt of the proclamation of the governor aforesaid, and thereupon it shall be the duty of the said common councils respectively, to appoint inspectors of election for the different wards of the said cities, in the same manner as at general elections, and with the same powers and duties; and whenever such vacancy shall occur in the counties of Rensselaer, Schenectady and Columbia, the sheriffs of those counties respectively shall give the like notice to the common councils of the cities of Troy, Schenectady and Hudson, who shall thereupon appoint inspectors of election for the different wards of the said cities, in the same manner and with the same powers and duties as at general elections.

Elections how to be held &c

5. *And be it further enacted*, That all elections held under this act, shall be held the same number of days, and conducted, and the ballots thereof canvassed and estimated, certified, returned and calculated by the same persons and within the same time as in the case of a general election, and the officers and persons employed therein shall be subject to all the pains and penalties for misconduct prescribed by law in relation to a general election.

CHAP. 246.

AN ACT *to amend the "Act to divide the town of Covert, in the County of Seneca," passed January 27, 1826.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the commissioners of common schools, of the towns of Covert and Lodi, in the county of Seneca, to meet at the house of Andrew Emmons, in said town of Covert, on the first Tuesday of June next, and apportion to the said towns the bonds and mortgages, and other securities, and monies then held by said commissioners, according to the last tax list.

CHAP. 247.

AN ACT *to amend the act entitled "An Act to erect a new Town from parts of the Towns of Walton and Delhi, in the County of Delaware," passed April* 4, 1825.

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That that part of the description of the boundary line, between the towns of Walton and Hamden, which reads as follows, viz: "Thence down said river, to the lower line of the farm or lot of land now occupied by Herman H. Bear, thence on the lower line of said lot," shall be taken to read as follows, viz: Thence down said river, to the upper line of the farm or lot of land now occupied by Herman H. Bear, thence on the upper line of said lot.

CHAP. 248.

AN ACT *to amend "An Act to vest in the United States of America, the exclusive jurisdiction to certain Lands in the Town of New Utrecht, in the County of Kings, and for other purposes," passed November* 27, 1824.

Passed April 17, 1826.

Preamble

WHEREAS on a resurvey of the second parcel of land mentioned and described in the said act hereby amended, it has been found that the northern boundaries of said land did not embrace all the land wanted by the United States of America for the purpose of erecting fortifications thereon in the said town: Therefore,

Bounds of the lands

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the jurisdiction in and over all that certain tract or parcel of land, included within the following boundaries not heretofore, by the said act hereby amended, vested in the said United States, beginning at the waters edge, at the south east point of the first parcel of land described in the said act hereby amended, belonging to the said United States; thence north forty-one degrees east, one chain and thirty links; thence north sixty-four degrees east, seven chains and forty-three links; thence north twenty-five degrees west, three chains and twenty-five links; thence north forty-one degrees east, four chains and forty-seven links; thence north thirty-eight degrees and forty minutes east, nine chains and ten links; thence south sixty degrees east, eleven chains and sixty-nine links; thence south twenty-five degrees west, seven chains and twenty-eight links; thence north sixty degrees west, eight chains and forty-one links; thence south thirty-five degrees west, eight chains and eighty-six links; thence south fifty-three degrees west, ten chains; thence along the waters edge to the place of beginning, according to a survey thereof, containing seventeen acres, fourteen perches and one hundred and five yards of land,

be, and the same is hereby ceded to the United States of America, for the purpose of erecting fortifications thereon: *Provided nevertheless*, That such jurisdiction so ceded as aforesaid, shall not extend or be construed to extend so as to impede or prevent the execution of any process of law, civil or criminal, under the authority of this state, except so far forth as such process may effect any of the real or personal property of the United States of America, within the tract of land within which jurisdiction is vested as aforesaid; but that the said land shall be and continue forever hereafter exonorated and discharged from all taxes, assessments and other charges which may be laid under the authority of this state.

Proviso

Appraisers

2. *And be it further enacted*, That Jeremiah Johnson, Leffert Lefferts and John Lefferts, of the county of Kings, citizens of this state, be and they are hereby appointed appraisers to estimate the value of so much of the said seventeen acres, fourteen perches, and one hundred and five yards, as are not included in the boundaries of the second parcel of land mentioned and described in the act hereby amended, and also the damages the owner or owners thereof may otherwise sustain by reason of such land over which jurisdiction is hereby vested in the United States, being used for the purpose in this act expressed, whose report when made and duly certified under the hands and seals of any two of them, and filed as of record in the office of the clerk of said county of Kings, shall be conclusive and binding on the owner of said land, and on all other persons whomsoever interested therein; and on the filing of the report as aforesaid by the oppraisers, which it shall be their duty to do on or before the first Monday of September next, and a tender made on the part of the United States of America, or their agents, of the amount to be so reported, the title to the said lands shall be vested forever in the United States of America; and should the owner or persons interested in the said land, over which jurisdiction is hereby ceded to the said United States, refuse to receive the same, the amount so reported and certified shall be deposited in the court of chancery of this state, to and for the benefit of the said owner or persons interested therein: *Provided however*, That before the persons herein named as appraisers, shall proceed to the said appraisement, they shall take an oath or affirmation before a magistrate authorised to administer oaths, impartially to execute the trust herein reposed in them, which oath or affirmation shall be attached to their report, and filed with the same: *And provided further*, That previous to the before named appraisers proceeding to the valuation and estimate aforesaid, they shall give at least fourteen days previous notice to the owners of said land over which jurisdiction is hereby vested as aforesaid; and also to such agent or agents as may be appointed on the part of the United States of America, of the time and place of their meeting for the purpose of making such estimate and valuation of said last mentioned land.

To report

Proviso

U S entitled to possession

3. *And be it further enacted*, That the United States of America shall be entitled, on filing the report and certificate, and upon the payment or deposit of the amount mentioned in the preceding section of this act, to the possession of the said last mentioned land; and in the event of any resistance being made to the United States of America, or their agents, by the owner or occupants of said land,

it shall be, and it is hereby made the duty of the sheriff of the county of Kings, to remove any and every owner or owners or occupants from the same, and to deliver to the United States of America or their agent, who may be authorised by the president of the United States to receive the same, the quiet possession of said land.

Vacancies to be filled by the governor

4. *And be it further enacted*, That should either of the said persons appointed in and by this act, as appraisers, die or refuse to act, it shall be lawful for the remaining appraisers to select a third person, who shall act in the premises in conjunction with the others as such appraiser, and whose act or acts shall be equally lawful and binding; and in the event of more than one of the appraisers dying or declining to act, it shall then be lawful for the governor of this state to appoint two discreet persons, who, in conjunction with the remaining appraiser, shall execute the duties imposed in and by this act.

CHAP. 249.

AN ACT *in addition to an act, entitled "An Act relative to the Feeder of the Champlain Canal," passed April* 17, 1822.

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the canal commissioners be, and they are hereby authorised and required to construct locks upon the Champlain feeder, and finish the same so as to make it navigable: *Provided*, That the expense thereof shall not exceed the sum of twenty-five thousand dollars.

2. *And be it further enacted*, That it shall be the duty of the canal commissioners, to make and construct such locks of wooden materials in such manner as to them shall seem most expedient.

CHAP. 250.

AN ACT *providing for the appointment of Inspectors of Sole Leather, in the Counties therein mentioned.*

Passed April 17, 1826.

In Ulster Oneida and Jefferson

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the person administering the government of this state, shall from time to time nominate, and with the consent of the senate, appoint one inspector of sole leather in the county of Ulster, and one inspector of sole leather in the county of Oneida, and one in the county of Jefferson, which inspectors hereafter to be appointed, shall before they enter on the duty of their respective offices, take and subscribe the oath or affirmation required by the constitution of this state, before one of the judges of the court of common pleas of the aforesaid counties in which they respectively reside.

To be governed by act of April 14, 1825

2. *And be it further enacted*, That the said inspectors so to be appointed, shall be governed by the provisions of the act, entitled "an act providing for the appointment of an inspector of sole leather in the county of Herkimer," passed April 14, 1825, and shall be entitled to the like fees as is provided for in the aforesaid act, and no more.

In New-York Troy and Ontario

3. *And be it further enacted*, That it shall be the duty of the person administering the government of this state, to nominate and with the consent of the senate appoint one inspector of sole leather for the city and county of New-York, and one inspector of sole leather for the city of Troy, and one inspector of sole leather for the county of Ontario, in addition to the number now authorised by law to be appointed, which inspectors shall, before they enter upon the duties of their offices, take and subscribe the oath or affirmation required by the constitution of this state.

Fees of the New-York inspectors

4. *And be it further enacted*, That the fees hereafter to be paid to the inspectors of sole leather, in the city and county of New-York, shall be two cents for each side of leather and no more, any law to the contrary notwithstanding.

CHAP. 251.

AN ACT *making appropriations for the State Prisons at New-York and Auburn, and for other purposes.*

Passed April 17, 1826.

A note of $6,000 to be paid

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treasurer of this state pay, on the warrant of the comptroller, to the president, directors and company of the Mechanics' and Farmers' Bank, in the city of Albany, the amount of a note given by the inspectors of the state prison at Auburn, to said bank, on the twelfth day of December last, payable ninety days after date, for six thousand dollars, with interest at six per cent.; and that the comptroller charge the same in the account of the said prison, to be accounted for by the agent or the said inspectors thereof.

Salaries

2. *And be it further enacted*, That from and after the passage of this act, the salaries of the agent, keepers and clerk of the state prison in the city of New-York, the pay of the guards, and the expense of their arms, clothing and other charges upon the state on their account, and the expense of transporting convicts from the place of conviction to the said prison, shall be paid by the agent of the said prison, out of any monies in his hands belonging to the state, any law or usage to the contrary notwithstanding.

Appropriations

3. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the agent of the state prison at New-York, the sum of twenty thousand dollars, and to the agent of the state prison at Auburn, the sum of eight thousand dollars, for the support of the said institutions: *Provided*, That the drafts or orders of such agents shall be countersigned by a majority of the inspectors of the said prisons: *And provided also*, That no draft of the agent at the prison in New-York, shall ex-

ceed five thousand dollars at one time, and no draft of the agent at Auburn, shall exceed two thousand dollars at one time, nor shall the comptroller draw his warrant for the amount of any subsequent draft, until the faithful expenditure of the amount previously drawn by him on the same account from the treasury, shall have been duly accounted for.

4. *And be it further enacted*, That there be allowed to the deputy keeper of the state prison at Auburn, one hundred and fifty dollars in addition to his present salary. Deputy keeper at Auburn

CHAP. 252.

AN ACT *authorising Theodosius Hunt and John E. W. Stevenson, to erect a dam across the Creek between East-Chester and Pelham, in Westchester County.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Theodosius Hunt and John E. W. Stevenson, and their heirs and assigns, to erect, and build a dam, a grist mill and a saw mill (if they shall deem it expedient to build such saw mill) on the creek which divides the said two towns of East-Chester and Pelham, at or near a place called Fisher's landing on the said creek; and that they shall procure at their own expense, the necessary land for the said purpose on each side thereof. Dam and mills may be erected

2. *And be it further enacted*, That the mill dam to be made by the said Theodosius Hunt and John E. W. Stevenson, their heirs or assigns, for the said mill or mills, shall not be higher than the surface of the Salt Meadows, lying on the said creek above the said dam; nor shall the said Salt Meadows be drowned or injured thereby; and that in all cases of such injury, the owners and possessors of such meadows, shall respectively have their remedy at law therefor, against the said Theodosius Hunt and John E. W. Stevenson, and their respective heirs and assigns. Height of the dam

3. *And be it further enacted*, That when the before mentioned grist mill shall have been erected and prepared for grinding, the said Theodosius Hunt and John E. W. Stevenson, and their respective heirs and assigns, shall, and they are hereby required to keep and maintain one good and sufficient run of stones, and a bolt for the use and accommodation of the inhabitants of the said two towns of East-Chester and Pelham, and to grind for them at the accustomed toll of the neighbouring mills: *Provided always*, That if the said dam and grist mill, shall not be completed within the term of two years from the passage of this act, so that there be one good and sufficient run of stones, and a bolt ready for the use of the inhabitants of the said two towns, that then this act shall be null and void, and the legislature may at any time hereafter, repeal, amend or modify this act. Grist mill Proviso

CHAP. 253.

AN ACT *to incorporate the Mohawk and Hudson Rail Road Company.*

1826-140

Passed April 17, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Stephen Van Rensselaer and George William Featherstonhaugh, with such other persons as shall associate with them for that purpose, be and are hereby constituted a body politic and corporate, by the name of the Mohawk and Hudson Rail Road Company, for the purpose of constructing a single or double rail road or way betwixt the Mohawk and Hudson rivers; commencing from the Hudson river at any point within the bounds of the city of Albany, or within half a mile north of the same, and extending to any point in the city of Schenectady, or within half a mile west of the same, to transport, take and carry property and persons upon the same, by the power and force of steam, of animals or of any mechanical or other power, or of any combination of them, which the said corporation may choose to employ: and by that name, they and their successors shall be, and they are hereby vested with the sole and exclusive right and privilege of constructing, erecting, building, making and using a single or double rail road or ways, for the purposes aforesaid, from and to any points comprised within the limits above mentioned, and for the term of fifty years, may have succession, and shall be persons in law capable of suing and being sued, of pleading and being impleaded, in all courts of law and equity, and in all manner of actions; and that they and their successors may have a common seal, and may change and alter the same at their pleasure.

Style, &c

To be finished in 6 years

2. *And be it further enacted*, That if the corporation hereby created, shall not within six years from the passage of this act, construct, finish and put in operation, the said single or double rail road or ways, then the said corporation shall thenceforth forever cease, and this act be null and void.

Stock

3. *And be it further enacted*, That the capital stock of the said company shall be three hundred thousand dollars, with liberty to increase it to five hundred thousand dollars, at any time within the period aforesaid, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by by-law direct.

Subscriptions

4. *And be it further enacted*, That Stephen Van Rensselaer, George William Featherstonhaugh and Lynde Catlin, shall be commissioners, the duty of whom, or of a majority of them, it shall be, within the period of six months after the passing of this act, at some suitable place in the cities of Albany and New-York, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days public notice shall be given by the said commissioners, of the time and place of the opening of such books, in one of the public newspapers in each of the said cities; and as soon as the same shall be subscribed, to give a like notice for a meet-

ing of the stockholders, to choose five directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling a stockholder to one vote: and the said commissioners shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands the names of those duly elected, and deliver over the subscription books to the said directors: and the time and place of holding the first meeting of directors, shall be fixed by the said commissioners, and the directors to be chosen at such meeting, or at such annual elections, shall, as soon as may be after every election, choose out of their own number one president, and one other person to be vice-president: and in case of the death, resignation or absence of the president, the vice-president shall preside until the next annual election thereafter, or until another president shall be chosen: and in case of the death or resignation of the president or vice-president, or of any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the board of directors; and in case of the absence of the president and vice-president, the board of directors shall have power to appoint a president protempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide. Election

5. *And be it further enacted*, That in case it should at any time happen, that election of directors shall not be made on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time directed by the by-laws of the said corporation. Day of election

6. *And be it further enacted*, That five of the directors of said corporation, shall form a board; and they or a majority of them, shall be competent to transact all the business of the said corporation; and they shall have full power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the transfer of shares, and touching the duties and conduct of their officers and servants, and the election of directors, and all other matters whatsoever which may appertain to the concerns of the said corporation: and also shall have power to appoint a secretary, and so many clerks and servants, as to them shall seem meet; and to establish and fix such such salaries and allowances to them, and also to the president and vice-president, as to the said board shall appear proper. Quorum

7. *And be it further enacted*, That the said corporation be, and they are hereby authorised by their agents, surveyors and engineers, to cause such examinations and surveys to be made, of the ground lying betwixt the Mohawk and Hudson rivers, within the aforesaid limits prescribed by the first section of this act, as shall be necessary to determine the most advantageous route, place or places, for the proper line, course, road and way, whereon to construct their single or double rail road or ways: and it shall be lawful for the said corporation to enter upon and take possession of, and use all such lands and real estate, as may be indispensable for the con- Surveys to be made, &c.

least thirty days previous to the payment of the same, in a public newspaper published in the cities of Albany, Schenectady and New-York.

Liabilities

15. *And be it further enacted*, That the stockholders and directors of the said corporation shall be jointly, severally and personally liable for the payment of all debts contracted by the said corporation or by their agents; and any person or persons having any demand against said corporation, may sue any stockholder, director or directors, in any court having cognizance thereof, and recover the same, with costs: *Provided*, such demand shall first be presented for payment to some one of the officers of said company.

Statement of expense

16. *And be it further enacted*, That when the said rail road shall be completed, the president and directors shall make out a minute, full and detailed statement of the expense of constructing the same, which report shall be under oath of the said president and directors, and shall be filed in the secretary's office of this state.

Road may be purchased by the state

17. *And be it further enacted*, That the grant in this act contained, is made and shall be deemed to be taken on the condition, that if the legislature of this state shall, at any time within five years from the time of the completion of the said rail road, make provision by law for the re-payment to the said company of the amount expended by them in constructing said rail road, with interest, after deducting therefrom the amount of the tolls received thereon, then the said grant shall become null and void, and the said rail road shall vest in and become the property of the people of this state.

Power as to making other roads

18. *And be it further enacted*, That nothing in this act contained shall be so taken or construed as to prevent the present or any future legislature from authorising the construction of a rail road or roads from any city or village other than from the city of Albany, to any other place or places in this state.

Legislature may repeal

19. *And be it further enacted*, That the rights and privileges hereby granted shall be deemed and taken to be subject to the right of the legislature hereafter to alter, amend or modify this act.

A public act

20. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for the purposes therein expressed and declared, in all courts and places whatever.

CHAP. 254.

AN ACT *to amend the act to provide for the establishment of County Poor-Houses, passed November* 27, 1824.

Passed April 17, 1826.

Children to be bound out

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall and may be lawful for the superintendents of county poor-houses in the several counties of this state, to bind out any child or children of any poor person who is or shall become chargeable to such county, or any town therein; and the child or children of any poor person, who is or shall become chargeable as aforesaid, to be clerks, apprentices or servants, according to their age, degree

and ability, where they or a majority of the said superintendents shall see fit and proper, in the same manner, for the same perods of time respectively, whether males or females, and subject to the same conditions, restrictions and provisions, as are contained and specified in the act entitled "an act concerning apprentices and servants," passed twentieth February, eighteen hundred and one, and that all the provisions of the fourth section of the act entitled "an act concerning apprentices and servants," passed twentieth February eighteen hundred and one, shall be extended to and embrace all cases wherein the maintenance of any children or their parents may be a county charge.

Former act in force

2. *And be it further enacted*, That for all purposes relating to, or consequent on any such binding out as aforesaid, all the provisions contained in the act, the title of which is in the preceding section recited, are hereby declared to be in force, to apply to and form a part of this act, in the same manner as fully to all intents and purposes, as though the same were herein recited: *Provided*, That instead of depositing the counterpart of any indenture executed by virtue of this act, with the clerk of any town, the same shall be filed without charge by the said superintendents, in the office of the clerk of the county in which such binding out as aforesaid shall take place.

CHAP. 255.

AN ACT *declaring certain Waters Public Highways, and for other purposes.*

Passed April 17, 1826.

Conewango creek &c

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the Conewango creek from John Kent's mills down to its junction with the little Conewango creek, and the little Conewango creek, thence up to the bridge on the Jamestown road so called, be and they are hereby declared public high ways: *Provided however*, That the owner or owners of the adjoining lands may erect mills or other water works, store houses, or docks on the said waters, so that the same shall not obstruct the navigation thereof: *And provided further*, That nothing herein contained shall be construed to abridge any pre-existing private rights.

Proviso

Penalty for obstructing said creek

2. *And be it further enacted*, That if any person or persons shall, after the passing of this act, dam up or obstruct the navigation of the said creeks by erecting or building any mill or dam, or by the building or erecting other works, or by the cutting or falling any timber in the same, the person or persons so offending shall forfeit the sum of ten dollars, to be recovered with costs of suit, by and for the use of any person who shall sue for and collect the same before any justice of the peace; and the person so offending shall also be deemed guilty of a misdemeanor, and be prosecuted accordingly by indictment.

Money to be divided

3. *And be it further enacted*, That as soon as may be after the passing of this act, the supervisors and town clerks of the towns of Conewango and Randolph, in the county of Cattaraugus, shall by

a notice to be given for that purpose by the supervisors aforesaid, meet together at such time and place as shall be designated in such notice, and divide the money raised in the town of Conewango, for the improvement of roads and bridges, and which remained unappropriated at the time of the division of said town, according to the valuation of the real and personal estate of the inhabitants of said town on the last tax list.

CHAP. 256.

AN ACT *to correct the Survey of a public Road in the County of Rockland.*

Passed April 17, 1826.

New survey to be made

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be lawful, and is hereby made the duty of the commissioners named in the act entitled "an act to appoint commissioners to lay out a public road from the Hudson river at Nyack in the town of Orange, to the Orange turnpike in the town of Hempstead in the county of Rockland," passed April 23, 1823, at any time before the first day of August next, to resurvey and alter the route of the road mentioned in the said act, or any part thereof, which they the said commissioners or any two of them may think proper; and to correct any errors which may have been committed in the survey thereof, which has already been made.

Act of April 23, 1823

2. *And be it further enacted*, That all the provisions of the aforesaid act shall apply to and be observed in relation to such future survey.

Road to be districted

3. *And be it further enacted*, That it shall be the duty of the commissioners aforesaid, or either of them, to give notice in writing to the commissioners of highways of the respective towns through which the said road runs, or any one of them, of the re-surveying of said road or any part thereof; and of such alterations and corrections as they shall have made, (if any); and it shall be the duty of the said commissioners of highways within their respective towns, so soon after as they or any one of them shall receive such notice as aforesaid, to meet together and district such road, or to annex such parts thereof as shall run through their several towns, to the highway districts adjacent thereto, in the said towns respectively; and it shall be the further duty of the said commissioners and overseers of highways of the said towns respectively, to cause the said road to be opened, worked and improved, in the same manner as other public highways are directed by law to be opened, worked and improved.

Penalties

4. *And be it further enacted*, That after the said road shall have been opened as aforesaid, if any person or persons shall close or obstruct the said road, or cause it to be done, such person or persons so offending shall for every day the said road shall remain so closed or obstructed, forfeit each the sum of five dollars, to be recovered with costs of suit in an action of debt in the name of any person who shall sue for the same, before any justice of the peace of the said

county, and the penalty, when recovered, shall be paid to the commissioners of highways of the towns in which the offence shall have been committed, to be by them applied in improving the said road.

CHAP. 257.

AN ACT *to amend the act, entitled "An Act for Draining the Cayuga Marshes and Swamp Lands in the Valley of the Seneca River, and about the Cayuga Lake," passed April* 18, 1825.

Passed April 17, 1826.

Contracts confirmed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all contracts heretofore made by the commissioners named in the act hereby amended, with any person or persons, for constructing the works at or near Jack's reefs, in virtue of or under said act, shall be, and the same are hereby confirmed and made effectual to all intents and purposes; notwithstanding such contracts was or were made without first giving the notice required by said act: *Provided*, That such person and persons do execute such other and further security for performing said contracts as the commissioners herein after named may require. Proviso

Engineers & commissioners

2. *And be it further enacted*, That David Thomas shall be the engineer, who, together with John Jackway and Job Tyler, shall be commissioners to carry into effect and complete all and singular the objects intended in and by the act hereby amended, in place of the commissioners in said act appointed, with power to make such alterations or enlargement of the canal or drain at or near Jack's reefs, as they may deem necessary, and that no notice of letting out the work or labour occasioned by reason of such alterations or enlargement, shall be necessary.

Their powers

3. *And be it further enacted*, That the commissioners named in this act, shall have and execute all the powers, and be subject to the same requirements and responsibilities of the commissioners named in the act hereby amended; and in case any vacancy shall occur in said commission, such vacancy shall be supplied as is specified in said act: and the said commissioners are hereby authorised to agree upon, liquidate and pay reasonable sums for damages done, or to be done, in carrying into effect this act and the act hereby amended: *Provided*, That nothing herein contained, shall be construed to increase the appropriation made in and by the act hereby amended, either for the payment of the contracts by this act confirmed, or of any damages hereby authorised to be paid, and that no further or greater sum shall be paid by the state, than the sum of eighty thousand dollars, appropriated in and by the act hereby amended; and any charges or expenses incurred by this act shall be assessed upon the reclaimed lands and reimbursed in the same manner that all the other expenses of draining the said marshes are directed to be assessed and reimbursed by the sixth section of the act hereby amended. Proviso

CHAP. 258.

AN ACT *for the Relief of Increase M. Hooker, John H. Hooker and Chellis Hooker.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the comptroller, with the advice and assistance of the attorney-general, to examine and audit the account of Increase M. Hooker, John H. Hooker and Chellis Hooker, for services done, and expenses incurred by them in defending two certain suits of ejectment brought against them on the demise of James Gorman and others, for lands held by them the said Increase M. Hooker, John H. Hooker and Chellis Hooker, as tenants under the people of this state; and it shall be the duty of the comptroller to credit such sum towards the payment of money now due or to become due to the people of this state from the said Hookers, or either of them, for said lands.

CHAP. 259.

AN ACT *to authorise the Supervisor of the Town of Brooklyn to make a Conveyance of a certain piece of Land, in the said Town.*

Passed April 17, 1826.

WHEREAS it has been represented to the legislature by petition of the town of Brooklyn, that they have agreed to exchange a piece of land hereinafter described, with Joseph Moser of the said town, house carpenter, for a certain other piece of land in the said town, and have prayed for authority to make conveyance of the same: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the supervisor of the town of Brooklyn, in the county of Kings, shall and may, by and with the consent of the overseers of the poor of said town, make a good and sufficient conveyance in fee simple, to the said Joseph Moser, his heirs and assigns, for all that certain lot, piece or parcel of land situated in the town of Brooklyn, bounded south-easterly by the road leading in front of the new alms-house of said town, south-westerly by land of the said Joseph Moser, and northwesterly by land of the said Joseph Moser, being a triangular piece of land, and containing on the south-easterly side thereon, two hundred and eighty-two feet; on the south-westerly side, one hundred and seventy-five feet; and on the north-easterly side one hundred and forty-seven feet, be the same more or less; and that such conveyance shall vest in the said Joseph Moser, his heirs and assigns, all the right and title in law and equity of the said town of Brooklyn, of, in and to the same.

CHAP. 260.

AN ACT *declaratory of the act, entitled "An Act to amend an act entitled an act concerning Mortgages," passed April* 17, 1822.

Passed April 17, 1826.

WHEREAS doubts have arisen whether the above mentioned act applies to the register in and for the city and county of New-York, in the same manner as to the clerks of the other counties of this state: Therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the said act was intended and the same is hereby declared, to apply to the said register, and not to the clerk of the said city and county of New-York: and that the said act shall, in all respects be so construed, that all mortgages and other instruments mentioned in the same, which heretofore have been or hereafter may be recorded, according to the provisions contained therein, by the said register, shall have the same force and effect as is by the said act given to such mortgages and other instruments, when recorded by the clerks of the respective counties of this state.

CHAP. 261.

AN ACT *to amend the act entitled "An Act to establish a Turnpike Corporation to improve the Road from Rensselaerville to Greenfield."*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the president, directors and company of the Greenfield turnpike road, may, at their election, erect two half toll gates in lieu of the whole toll gate authorised to be erected by their charter, and that one of the said gates shall be located and placed where the whole toll gate is now erected and placed, and that the other half toll gate shall be located at some convenient place between the fourth and fifth mile stones on the said road.

CHAP. 262.

AN ACT *for the Relief of the Devisees of Betsey Keith, or Kipp, deceased.*

Passed April 17, 1826.

WHEREAS Betsey Keith, or Kipp, late of Saratoga Springs, single woman, died seized of certain real estate situate in the said

town, without having any relative to inherit the same, and in and by her last will and testament devised the same to her executors in trust for the first class of the Methodist society of the said town, who are not a body corporate, and thus incapable of taking by the said devise: *And whereas* the said society have petitioned the legislature for relief in the premises: Therefore,

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the first class of the Methodist society of the town of Saratoga Springs, composed of James Davis, Hannah Davis, James De Graff, Huldah De Graff, Elizabeth Davis, Sarah Storey, Elishaba Curtis, Jemima Curtis, Polly Welch, Esther Ketchum, Margaret Miller, Elizabeth De Graff, Rhua Davis and Jane Rakins, or the survivors of them, shall be deemed and taken, and are hereby declared to be capable of taking and holding the trust or interest in said real estate devised or intended to be devised to them by Betsey Keith, or Kipp, deceased.

2. *And be it further enacted*, That the said persons composing the said society, or the survivors of them, shall have full power and authority to order the sale, or to make such other disposition of the said estate, as is directed in and by the last will and testament of the said Betsey Keith, or Kipp, deceased.

CHAP. 263.

AN ACT *relative to the Ithaca Academy.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the Ithaca academy, incorporated by an act, entitled "An act to incorporate the Ithaca academy," passed March twenty-fourth, eighteen hundred and twenty-three, be placed under the care, and subject to the visitorial power of the regents of the university of this state, and be entitled to a proportionate part of the annual dividend of the literature fund: *Provided*, That the said corporation shall first comply with the rules adopted by the regents of the university relative to the incorporation of academies; and that so much of the act above recited as is repugnant to the provisions of this act, be and the same is hereby repealed.

CHAP. 264.

AN ACT *to amend the Act, entitled "An Act to incorporate the Ogdensburgh Turnpike Road Company."*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commissioners of highways of the several towns in the county of Jefferson, through which

the Ogdensburgh turnpike road passes, shall lay out the said turnpike into road districts, and shall assess and apportion the labor and money on said road in the same manner as if said turnpike had been regularly laid out by the commissioners of highways: *Provided*, That nothing herein contained shall operate to discharge the said turnpike company from any liabilities which they may have heretofore incurred.

2. *And be it further enacted*, That the said Ogdensburgh turnpike road company shall be, and they are hereby released from all that section of the Ogdensburgh turnpike road within the county of Jefferson, and it shall not be lawful for said company to erect or keep up any gate on said turnpike road, within the said county of Jefferson.

CHAP. 265.

AN ACT *to establish a Ferry across the Seneca Lake from Goodwin's Point, in the Town of Starkey and County of Yates, to Hector, in the County of Tompkins.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for John Starkey, of the town of Starkey, in the county of Yates, his heirs and assigns, to set up and maintain a ferry across the Seneca lake from Goodwin's Point, in the town of Starkey and county of Yates, on the west side of said lake, to the town of Hector, in the county of Tompkins, on the east side of said lake, for and during the term of fifteen years from and after the passing of this act. J Starkey to keep a ferry

2. *And be it further enacted*, That the said John Starkey, his heirs and assigns, shall, if he shall set up a ferry by virtue of this act, keep, support and maintain for the accommodation of said ferry, during the term aforesaid, a good and sufficient ferry boat or boats, to be propelled with sufficient horse or steam power, capable of conveying two wagons and four horses, and at all reasonable times and seasons cause the said boat or boats to be well manned, to transport and ferry across said lake, carriages, persons, goods and chattels. Ferry boat

3. *And be it further enacted*, That if any person or persons shall, at any time or times after such ferry shall have been established by virtue of this act, set up, keep or maintain a ferry, or shall carry or transport any person or persons, carriages, goods, chattels, wares, merchandize or other thing, for pay, hire or otherwise, across said lake, within three miles north or south of the ferry hereby established, every such person shall forfeit and pay to the said John Starkey, his heirs or assigns, for every such offence, the sum of ten dollars, to be recovered in an action of debt, with costs of suit, in any court having cognizance thereof: *Provided always*, That nothing herein contained shall be construed to preclude any person or persons from crossing or transporting his or their families, goods and chattels, in his, her or their own scow, boat or otherwise, free from all fees and charges whatever: *And provided further*, That Other ferries prohibited. Proviso

nothing in this act contained shall be construed to affect the ferry established or to be established across said lake at Bigstream Point, notwithstanding it may be within three miles of the ferry hereby granted.

Rates of ferriage

4. *And be it further enacted*, That it shall and may be lawful for the said John Starkey, his heirs or assigns, to take and receive at the said ferry the following rates or prices of ferriage, that is to say: for every four-wheeled coach or pleasure carriage, drawn by two horses or mules, one dollar, and for every additional horse or mule, twenty-five cents; for every chair, sulkey or chaise, drawn by one horse or mule, seventy-five cents, and for every additional horse or mule, twenty-five cents; for every four-wheeled lumber wagon or carriage drawn by two horses, mules or oxen, seventy-five cents, and for every additional horse, mule or ox attached to such wagon, twenty-five cents; for every wagon drawn by one horse or mule, sixty-two and an half cents; for every cart drawn by two horses, mules or oxen, seventy-five cents, and for every additional horse, mule or ox, twenty-five cents; for every sleigh or sled drawn by two horses, mules or oxen, seventy-five cents, and for every additional horse, mule or ox, twenty-five cents; for every cart, cutter or sleigh drawn by one horse, fifty cents; for every footman, twenty-five cents; for every man and horse, fifty cents; for every led or single horse or mule, twenty-five cents; for every head of neat cattle, twenty-five cents; and for hogs and sheep, six cents each; and that it shall and may be lawful for the judges of the court of common pleas in the county of Yates, at any time during the term aforesaid,

Proviso

to alter and regulate the rates of toll herein before granted: *Provided*, That no greater ferriage shall be demanded than is herein permitted.

Penalties

5. *And be it further enacted*, That if the said John Starkey, his heirs and assigns, on the first day of July next, shall have neglected to establish and keep such ferry as is contemplated by this act, or to comply with every provision thereof, it shall and may be lawful for the court of common pleas of the said county of Yates to adjudge that all the privileges granted under and by virtue of this act, shall cease, and be void and of no effect; and from and after such adjudication, all such rights and privileges shall cease and be void, any thing in this act to the contrary notwithstanding.

For neglect, &c

6. *And be it further enacted*, That after the said ferry shall be established by virtue of this act, the owners and keepers of the said ferry, or either of them, shall be liable to a penalty of ten dollars for wilfully neglecting or refusing, at all proper seasons and times, to transport or ferry any person or persons, his or their carriages, goods or chattels across the said lake, or for detaining any such person or persons, his or their goods or chattels, wilfully and unnecessarily, in crossing the said lake, to be sued for and recovered before any justice of the peace in the county of Yates or county of Tompkins, with costs of suit, one moiety whereof, when recovered, to be paid to the overseers of the poor where the same shall be recovered,

Proviso

and the other moiety to the person who will sue for the same: *Provided*, That no such penalty shall be recovered in case the wind or weather shall render the crossing of said lake dangerous or very difficult at the time complained of, nor shall it apply to cases of refusal

to transport or carry, or of detention caused by unavoidable accidents or casualties: *And provided also*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

CHAP. 266.

AN ACT *to incorporate the Bath and Sparta Turnpike Company.*

Passed April 17, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Dugald Cameron, John Magee, Paul C. Cook and Oliver D. Stacy, and such other persons as shall associate for the purpose of making a good and sufficient road from the village of Bath, in the county of Steuben, by Liberty Corners, to the village of Dansville, in the town of Sparta and county of Livingston, be and they are hereby created a body corporate and politic, by the name of "The Bath and Sparta Turnpike Company;" and they are hereby declared a body politic, in fact and in name, and by that name they and their successors shall and may have perpetual succession, and are hereby declared capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and also may make and use a common seal, and may alter the same at pleasure; and also they are hereby made capable in law of purchasing, holding and conveying any estate, real or personal: *Provided*, That such estate, real or personal, so to be purchased, held or conveyed, shall be necessary to fulfil the end and intent of said corporation, and shall be used for no other purpose whatsoever.

Style &c

Proviso

Stock

2. *And be it further enacted*, That the stock of said company shall consist of eight hundred shares, of twenty dollars each; and that Dugald Cameron, Paul C. Cook and Oliver D. Stacy are hereby appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "An act relative turnpike companies," passed the thirteenth day of March, one thousand eight hundred and seven.

Rates of toll

3. *And be it further enacted*, That the said company hereby incorporated shall be entitled to ask and receive at the turnpike gate or gates to be erected on said road, from all persons passing the same, the following rates of toll: for every cart or wagon drawn by two horses, mules or oxen, twelve and an half cents, for every additional horse, mule or ox attached to such cart or wagon, four cents; for every cart or wagon drawn by one horse, mule or ox, nine cents; for every horse and rider, six cents; for every horse led or driven, three cents; for every stage-wagon, chariot, coach or coachee, phæton, curricle, or other pleasure carriages drawn by two horses, twenty-five cents, and for every additional horse attached to such carriage, four cents; for every chaise, chair, sulkey or other pleasure carriage drawn by one horse, twelve and an half cents; for every sled or sleigh drawn by two horses, oxen or mules, twelve and an half cents, and for every additional horse, ox or mule, four cents;

for every score of cattle, horses or mules, thirty cents; and for every score of hogs or sheep, six cents, and so in proportion for every greater or less number.

Gates

4. *And be it further enacted*, That it shall and may be lawful for the company hereby incorporated to erect on their said turnpike road three gates: *Provided*, That no gate shall be erected within five miles of the village of Bath: *And provided further*, That if the contemplated state road from the Hudson river to lake Erie shall pass over any part of the route of said turnpike road, it shall not be lawful for the said company to charge any toll on such part, and the toll shall be reduced at the nearest gate from the village of Bath in proportion to the distance in which the said state road may pass on the route of said turnpike.

Proviso

Privileges

5. *And be it further enacted*, That the said company shall have and enjoy all the privileges, powers and immunities which are given and granted in and by the act, entitled "An act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained in the said act; *Provided*, That the arch of said road shall be made only twenty feet wide.

Right to repeal

6. *And be it further enacted*, That this act, and all the rights and privileges hereby granted, shall be deemed and taken subject to a right in the legislature at any time hereafter to alter, modify or repeal the same at pleasure.

CHAP. 267.

AN ACT *to improve a Road from the Town of Stockholm, in the County of St. Lawrence, through Brasher, to Deer River.*

Passed April 17, 1826.

Duty of the assessors

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the assessors in the town of Brasher, in the county of St. Lawrence, to designate particularly in their assessment roll, previous to the next annual meeting of the board of supervisors, the several lots, pieces or parcels of land through which the road runs from the easterly line of Stockholm, through said town of Brasher, or shall bound upon or join said road, for the term of one year: *Provided*, That no such lot shall be estimated to contain more than one hundred acres.

Proviso

Of the supervisors

2. *And be it further enacted*, That it shall be the duty of the supervisors of the said county of St. Lawrence, to add to the annual taxes of the aforesaid lots, pieces or parcels of land, not exceeding fifty cents on the dollar of the valuation, over and above all other taxes, and shall cause the same to be collected and paid over by the collector to the commissioners of highways of said town.

Of the road commissioners

3. *And be it further enacted*, That it shall be the duty of the commissioners of the said town to cause the said road not already districted, opened and worked, to be districted, opened and worked in the same manner as other town roads are; and it shall be the duty of the said commissioners to order the overseer or overseers of the said road districts, to cause to be worked the amount which shall from time to time be assessed, levied and collected, and shall pay

over all the monies that shall come into his or their hands by virtue of this act, to the said overseer or overseers, without delay, together with an equal proportion of the money voted to be raised in said town for highways, in proportion to the length of the roads in such town.

3. *And be it further enacted*, That it shall be the duty of said overseer or overseers of highways, faithfully to apply the money that shall come into his or their hands by virtue of this act, on said road, and shall account with the commissioners of said town annually for the faithful expenditure thereof. To account annually

CHAP. 268.

1839-114

AN ACT *relative to the Ferry on the Niagara River, at Lewiston.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the commissioners of the land-office be and they are hereby authorised and required to lease the lot of land at Lewiston, in the county of Niagara, known and distinguished by the name of the ferry lot, together with the ferry, for the period of ten years from the passage of this act, to Benjamin Barton, William Hotchkiss, David M. Smith and Robert Flemming, now acting in the capacity of a building committee appointed by the subscribers to, and owners of the academy recently erected at Lewiston aforesaid, and to their successors, in trust, for the sole use and benefit of the said academy. Ferry lot to be leased for ten years

2. *And be it further enacted*, That whenever the said academy shall be incorporated, and trustees for the direction, government and management thereof shall be appointed, then the above trust, and every thing appertaining thereto, shall, by virtue of this act, be transferred and vested in the trustees so to be appointed, and to their successors, for the use and benefit of the said academy: *Provided always*, That nothing in this act contained, or any thing to be contained in such grant, shall be construed to prevent the court of common pleas of the county of Niagara from fixing and regulating the ferriage to be taken as aforesaid, from time to time, as such court, or a majority of them, shall deem necessary and proper: *And provided further*, That before entering upon the trust as aforesaid, the said Benjamin Barton, William Hotchkiss, David M. Smith and Robert Flemming, shall execute a bond to the people of the state of New-York, in the penal sum of two thousand dollars, which bond shall be taken by the surveyor-general of the state, conditioned that they shall faithfully execute the trust, according to the true intent and meaning of this act. Trust when to be transferred to academy Proviso

3. *And be it further enacted*, That the rights and privileges hereby granted shall be deemed and taken to be subject to the right of the legislature hereafter to alter, modify, amend or repeal this act. May be repealed

CHAP. 269.

AN ACT *to erect the Town of Gerrysville, from part of Pembroke, in the County of Genesee, and Shelby, in the County of Orleans, and to annex the same to the County of Genesee.*

Passed April 17, 1826.

Gerrysville erected

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That from and after the first Monday in May next, all that part of the town of Shelby, in the county of Orleans, and of the town of Pembroke, in the county of Genesee, comprehended within the following boundaries, viz.: beginning at the northwest corner of the Tonnewanta reservation, upon the division line between the counties of Genesee and Orleans and the county of Niagara, and running from thence south on said line, and the division line between the county of Genesee and the county of Erie, four miles one hundred and sixty rods; from thence due east, until it strikes the west line of the town of Elba; from thence due north, until it strikes the southwest corner of the town of Barre, in the county of Orleans; from thence due west through the town of Shelby, in the county of Orleans, until it strikes the line of Niagara county; from thence south to the place of beginning, shall be a separate town by the name of Gerrysville, and be annexed to and form part of the county of Genesee; and the first town meeting shall be held at the house of David Gary, in said town, on the second Monday of May next, and thereafter on the first Tuesday of April.

Old towns to remain

2. *And be it further enacted*, That all the remaining part of the said town of Shelby, in the county of Orleans, shall be and remain a separate town, by the name of Shelby; and all the remaining part of the said town of Pembroke, in the county of Genesee, shall be and remain a separate town, by the name of Pembroke.

Duty of supervisors, &c

3. *And be it further enacted*, That as soon as may be after the second Monday of May next, the supervisors and overseers of the poor of the aforesaid towns, notice being first given for that purpose by the supervisors, shall meet together and divide the poor and poor funds belonging to the aforesaid towns previous to the division thereof, agreeable to the last tax list, and that each of the aforesaid towns shall forever thereafter maintain its own poor.

Judgments not to be affected

4. *And be it further enacted*, That nothing in this act contained shall be construed to prevent the collection of any judgment which, at the time this act takes effect, shall have been rendered against any person or persons residing in that part of the said town of Gerrysville which was formerly a part of the county of Orleans, or which shall in any wise affect any judicial proceedings which shall have been then "*bona fide*" commenced, but the same shall be prosecuted to judgment and execution, and collected in the same manner, and by the same public officers, as if this act had never been passed, any law, usage or custom to the contrary in any wise notwithstanding.

CHAP. 270.

AN ACT *to incorporate the Lockport Turnpike Company.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That William Molyneux, Daniel Pomroy, Elijah Hathaway, Seymour Scovell, Lyman A. Spaulding and Isaac Smith, and all such other persons as shall associate for the purpose of making a good and sufficient road from the village of Lockport, through the towns of Cambria, Wilson and Porter, to the bank of the Niagara river in the village of Youngstown, and their successors be, and they are hereby created a body corporate and politic, in fact and in name, by the name of "The President, Directors and Company of the Lockport Turnpike Company," and by that name they and their successors, shall and may have continual and perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts and places whatsoever, and in all manner of actions, complaints, matters and causes; and by the same name shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said company: *Provided,* such estate as well real as personal so to be purchased and held, shall be necessary to fulfil the end and intent of the said corporation, and for no other purpose whatsoever. Corporation created. Style, &c.

2. *And be it further enacted,* That the capital stock of the said company shall be twelve thousand dollars, to be divided into shares of twenty dollars each; and that Hiram Gardner, Charles Mollyneux and Ashbel G. Hinman, be and they are hereby appointed commissioners to receive subscriptions for the said stock, in the manner directed by the act entitled "an act relative to turnpike companies," passed March 13, 1813: *Provided however,* That if one-sixth part of the capital stock of the said corporation shall not be subscribed for by the first day of January next, then in that case it shall not be the duty of the said commissioners to keep open the books for receiving subscriptions after that time, but the corporation hereby created shall be dissolved, and this act, and all the privileges hereby granted, shall cease and be void. Stock

3. *And be it further enacted,* That as soon as the road hereby authorised, shall be completed, and a license obtained in the manner specified in the act above referred to, it shall be lawful for the said president, directors and company, to cause two gates to be erected at such places as the commissioners hereinafter named for laying out the said road, shall direct, to collect the tolls allowable by this act; and the said company may have and receive for passing each gate, the following tolls and duties, (to wit:) for every score of hogs or sheep, five cents; for every score of horses, mules or cattle, ten cents; and in the same proportion for a larger or smaller number: for every chair, sulkey or chaise, with one horse, six and a quarter cents; for every horseman and his horse, three cents; for every led or driven horse, two cents; for every chariot, coach, coachee or Rates of toll

phæton, twelve and a half cents; for every cart drawn by one horse, four cents; for every wagon or other four wheeled carriage, drawn by two horses, mules or oxen, six and a quarter cents; and for every additional horse, mule or ox, two cents; for every cart drawn by two horses, mules or oxen, five cents; for every additional horse, mule or ox, two cents; for every one horse pleasure wagon, five cents; for every lumber wagon four cents; for every sleigh or sled, four cents if drawn by one horse, if drawn by two or a greater number, one cent for every additional horse, mule or ox: in the collection of which tolls and duties, the said president, directors and company, shall have all the powers and be subject to all the duties and penalties provided in such cases, by the act referred to above.

Survey

4. *And be it further enacted*, That Reuben Wilson, John Garnsey and Packhurst Whitney, be and they are hereby appointed commissioners to survey and lay out the said road, subject to the regulations and restrictions prescribed and contained in the aforesaid act, entitled "an act relative to turnpike companies," and to execute and perform all duties therein mentioned, as fully as if the said commissioners had been appointed in the manner prescribed by the said act.

Privileges &c

5. *And be it further enacted*, That the said president, directors and company, hereby incorporated, shall have and enjoy all the rights, privileges, powers and immunities, which are given and granted in and by the aforementioned act relative to turnpike companies, and shall be subject to all the conditions, provisions, restrictions and regulations contained in the same, saving and excepting where the same are contrary to the provisions of this act.

CHAP. 271.

AN ACT *establishing and regulating a Ferry across the Irondequoit Bay.*

Passed April 17, 1826.

Ferry may be kept

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for John T. Trowbridge and John C. Cooley, of the town of Brighton in the county of Monroe, their heirs and assigns, to set up and maintain a ferry across the Irondequoit Bay, at the place called the old ferry, and where the ridge road if continued straight, would cross the said bay, for and during the term of ten years from the first day of May next.

Docks and boats

2. *And be it further enacted*, That the said John T. Trowbridge and John C. Cooley, their heirs and assigns, shall, if they set up a ferry by virtue of this act, erect a convenient dock or landing place, at such point on the west side of the said bay, as shall be most suitable for that purpose; and shall during the term aforesaid, keep and maintain a good and sufficient ferry boat, capable of conveying four horses and a carriage, and ready at all reasonable times and seasons to ferry and transport across said bay, persons, goods and chattels.

Other ferries prohibited

3. *And be it further enacted*, That if any person or persons shall, after the first day of May next, set up, keep or maintain a ferry,

or shall carry or transport any persons, goods or chattels for pay, across the said bay within one mile of the ferry established by the said act, other than the said John T. Trowbridge and John C. Cooley, their heirs or assigns, such person or persons shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered in any court having cognizance thereof, by any person who shall sue for the same: *Provided always*, That nothing herein contained, shall be construed to preclude any person or persons from crossing or transporting his or their families, goods and chattels in his, her or their own scow, boat or canoe or otherwise, or upon the ice, within the limits aforesaid, nor to subject such person or persons to the payment of any fees, toll or charge at the said ferry. Proviso

4. *And be it further enacted*, That the court of common pleas for the county of Monroe, in their sessions may, and shall annually order and direct the several rates of toll to be taken at said ferry, and if the said John T. Trowbridge and John C. Cooley, or any person employed by them, their heirs or assigns, shall receive any greater toll than shall be allowed, they shall forfeit and pay five dollars, to be recovered by any person who shall sue therefor; and in case the said John T. Trowbridge and John C. Cooley, their heirs and assigns, shall at any time after six months after the passing of this act, neglect to keep such ferry as is contemplated by this act, at all seasonable hours of the day, it shall be lawful for the said court to adjudge that all the rights granted them under this act, shall cease and be of no effect. Rates of toll

5. *And be it further enacted*, That the legislature may at any time hereafter, alter, modify or repeal this act. Right to repeal

CHAP. 272.

AN ACT *to incorporate the President and Directors of the Cherry-Valley and Canajoharie Turnpike Company.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Zachariah Keyes, William Story, Ezekiel Johnson, John Roof and John Cummings, and all such other persons as shall associate with them for the purpose of making a good and sufficient turnpike road, to run in the most eligible course, beginning at the junction of two roads at or near the house of John Ellison, about two miles north of the village of Cherry-Valley, and running in the nearest and best direction so as to strike the Erie canal, at or within one mile and a half of Roof's village, in the town of Canajoharie, be and hereby are made a body corporate, by the name, style and description of "The Cherry-Valley and Canajoharie Turnpike Company," and by that name they and their successors in office, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity, in all manner of actions and complaints, matters and causes; and by that name and style shall be in law capable of purchasing, holding and Corporation created Style &c

conveying any estate, real or personal, for the use of the said corporation: *Provided*, That such estate as well real as personal, so to be purchased or held, shall be necessary to fulfil the end and intent of said corporation, and for no other purpose whatever.

Proviso

Stock

2. *And be it further enacted*, That the stock of the said company hereby incorporated, shall not exceed five hundred shares, of twenty dollars each share; and that Zachariah Keyes, John Roof and John Cummings, be and hereby are appointed commissioners to receive subscriptions for said stock, in the manner directed in and by the act, entitled "an act relative to turnpike companies," passed March 13, 1807.

Rates of toll

3. *And be it further enacted*, That the said company hereby incorporated, shall be entitled to exact at two gates on said road, to be erected at such places as the directors of said company shall designate, the following sums of money from all persons travelling on, or using said road: for every wagon or cart, drawn by two horses, mules or oxen, six cents, and two cents for each additional horse, mule or ox; for every pleasure wagon not used for carrying produce, drawn by two horses, six cents; for every chariot, coach, coachee or phaeton, drawn by two horses, twelve and a half cents, and two cents for every additional horse; for every chair, chaise or sulkey, drawn by one horse, six cents; for every one horse wagon, three cents; for every horse and rider, three cents; for every sleigh or sled, drawn by two horses, mules or oxen, three cents, and two cents for every additional horse, mule or ox; for every sleigh drawn by one horse, two cents; for every score of hogs or sheep, three cents; for every score of horses, cattle or mules, six cents: and in that proportion for any greater or less number of hogs, sheep, cattle, horses or mules, and for every horse led or driven, one cent.

Quorum of directors

4. *And be it further enacted*, That the number of directors of the said company hereby incorporated, shall be five, three of whom shall be a quorum for the transaction of all business, and that the said company shall have and enjoy all the rights and privileges, powers and immunities which are given and granted in and by the aforesaid act, entitled "an act relative to turnpike companies," and shall be subject to all the conditions, provisions, restrictions and regulations contained therein.

Width of road

5. *And be it further enacted*, That the arch of the said turnpike road as above described, shall be sufficient if made twenty-six feet wide.

Commission to lay it out

6. *And be it further enacted*, That Delos White, William Campbell and Joshua Reed, be and hereby are appointed commissioners to lay out said road, and they are hereby authorised and empowered to appropriate any land now used as a state road or any other road, to the use and for the bed of this road, and a majority of the commissioners last named are to govern.

Right to repeal

7. *And be it further enacted*, That the rights and privileges hereby granted, shall be deemed and taken subject to the right of the legislature hereafter to alter, modify or repeal the same.

CHAP. 273.

AN ACT *for the Relief of Joannah Simpson.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the rights, title, claim and interest which the people of this state have, or can have in and to any lands, tenements or hereditaments, within this state, of which James Farrell, her late husband died seized, be and the same is hereby declared to be released unto, and vested in the said Joanna Simpson, her heirs and assigns.

CHAP. 274.

AN ACT *for the relief of Jane Reid, and for other purposes.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That Jane Reid be, and she is hereby enabled to take real property in this state, either by devise, descent or purchase, and to hold, convey or dispose of the same in like manner as a natural born citizen, her alienism notwithstanding. Jane Reid enabled to take real property

2. *And be it further enacted,* That all the right, title and interest of the people of this state, in and to any lands, tenements or hereditaments, of which John Reid, late of the city of New-York, deceased, was seized on the first day of May, in the year of our Lord, one thousand eight hundred and fifteen, and to which the people of this state are or may be entitled, be and the same is hereby declared to be released unto Arthur Burtis, the present superintendent of the alms-house of the city of New-York, and his heirs, in trust for the use of the child or children of Mary Antoinette Chattenay, their heirs and assigns. Right of the state to lands released to her

3. *And be it further enacted,* That all the right, title, claim and interest which the people of this state have, or may or can have to any lands, tenaments or hereditaments within this state, which the said John Reid acquired in fee simple or otherwise, after the said first day of May in the said year one thousand eight hundred and fifteen, be and the same is hereby declared to be released unto Jane Reid, and to her heirs and assigns.

CHAP. 275.

ANACT *for the Relief of the Heirs of Nathan Tupper, deceased.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall and may be lawful

for the commissioners of the land-office, and they are hereby required to grant letters patent to the heirs of Nathan Tupper, late a soldier in the army of the United States, in the line of this state, one hundred acres of land in the township of Sterling, being a part of the tract set apart for the use of the soldiers, in the line of this state, to have and to hold the said lands in the same manner and by like title, as if such lands had been vested in the said Nathan Tupper, in fee simple, in his life time, and had descended by inheritance at his death to his heirs.

CHAP. 276.

AN ACT *to incorporate the Village of Little Falls.*

Passed April 17, 1826.

Bounds of the village

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the section of country contained within the following boundaries, that is to say: beginning on the north bank of the Mohawk river, on the division line of Warren Dygert and John Dygert's farm; thence in a northerly direction along the west and north boundaries of said Warren Dygert's farm to the division line between great lots number twenty-two and twenty-three of Glen's purchase; thence on that line to the highway running past Abraham Eysaman's farm; thence eastwardly along and on the course of said highway to the northwest corner of John Bellinger's farm; thence along the west bounds of the said Bellinger's and Henry Beckor's land, and along the south boundaries of the farms of the said Henry Beckor, John Bellinger and Asa Fuller, David Petrie, Jacob Keller, Marks Beckor, Samuel Petrie and Reuben Petrie, to Richard Petrie's land; thence southwardly along the west bounds of his and Henry Ritter's land, and on the course of their west line to the Mohawk river; thence in a direct line to the lower end of Charles' lock, so called, on the Erie canal, being just below the falls of the river; thence on the south side of the Erie canal, as near a straight line as may be, to the Vroman-house, so called; thence including said house southwest along the north side of the highway to an apple tree standing west and near the dwelling house of Christopher P. Bellinger; thence by way of a bridge to the north side of the Erie canal; thence east including the towing-path to the canal bridge near Bellinger's mills; thence north to the Mohawk river; and from thence on a straight line to the place of beginning, shall hereafter continue to be known by the name of the village of Little Falls; and that the inhabitants residing within the aforesaid boundaries, shall be a corporation by the name and style of

Style, &c

"The Trustees of the Village of Little Falls," and by that name they and their successors may have perpetual succession, shall be known in law, shall be capable of suing and being sued, of defending and being defended in all courts and places whatsoever, and in all manner of actions, causes, and complaints whatsoever; and they and their successors may have a common seal, and may alter the same at pleasure, and shall be in law capable of holding and conveying real estate, for the use of the said corporation.

2. *And be it further enacted*, That the inhabitants residing within the boundaries of the said village, who are qualified to vote at town-meetings, shall on the first Monday in June next, and on the same day in each year thereafter, assemble in some suitable place in said village, and elect five suitable persons, inhabitants of said village, liable to pay town and county taxes, to be trustees of said village, and also three suitable persons, inhabitants of said village, and liable to pay town and county taxes, to be fire-wardens, and one other person also, to be treasurer of said village, and one other person to be collector for said village; that the said trustees, fire-wardens, treasurer and collector, shall be chosen by ballot, and the elections shall be held in like manner, and subject to like regulations with the annual town-meetings; and the said officers so chosen as aforesaid, shall hold their offices for one year, and until successors shall be duly chosen; and it shall be the duty of the said trustees, after the first election, to cause at least six weeks public notice of the time and place of holding the annual elections, to be given by posting notices thereof in at least five of the most public places in said village; and in case any election shall fail to be held at the time above appointed, it shall be the duty of the said trustees to appoint some other suitable time therefor, giving due notice thereof in manner aforesaid, which election so held at such subsequent time, shall be as valid and effectual, in all respects, as if made at the time appointed for the annual election; and special meetings of the inhabitants of said village may be called by said trustees, on giving six days public notice as aforesaid, the said notices specifying the object for which said meeting is called; that the present charter of said village shall continue in force until this act goes into effect, which shall be on the first Monday in June next; and it shall be the duty of the present trustees of said village to give suitable public notice of the first election under this act, at least ten days previous to said first Monday in June. Annual meetings

3. *And be it further enacted*, That it shall be lawful for the said trustees so as aforesaid to be chosen, or a major part of them, and their successors in office, to make, ordain and publish such prudential by-laws, rules and regulations, and to repeal and alter the same, as they shall from time to time deem necessary and proper, for the benefit of said village, relative to all things that may concern the police, and good government of said village, and relative to all the subjects, matters and things by this act made subject to their control, discretion or jurisdiction; and to ordain, constitute and publish reasonable and suitable fines and penalties, not to exceed the sum of twenty-five dollars for any one offence, for the infraction or violation of such by-laws, rules or regulations. By-laws

4. *And be it further enacted*, That the said trustees shall have power to own, build, erect and keep in repair, one or more fire engine or engines, ladders and fire hooks, public cisterns and other instruments and conveniences for extinguishing, stopping and preventing injuries by fire; to open and improve the streets and sidewalks of said village, and to remove and prevent encroachments thereon; to restrain cattle, swine, sheep and horses from running at large in said streets, to regulate slaughter-houses and nuisances generally; to determine what are nuisances, and to remove, destroy or prevent the same; to compel the keeping of fire buckets by the Police

citizens of said village, and to establish measures of prudence to guard against fire; to compel the inhabitants to form lines and ranks for the purpose of carrying water to extinguish fire, and to pull, raise and break down such buildings in the vicinity of a fire, as shall be directed by the trustees, or a majority of such of them as shall be present at a fire, for the purpose of extinguishing it or of preventing its probable extension or communication to other buildings; to appoint a proper number of firemen, not to exceed twenty-five, and to remove any one of them, and to appoint another or others in his or their stead; to appoint a captain for said firemen, and other officers, and to make rules and regulations for the good government of the fire company, with reasonable fines for the breach of them, and to regulate the time and manner of their exercise as firemen, (the said company to appoint their captain and officers); to erect or purchase and keep hay-scales, and to regulate the same, and the prices for weighing, and to let out the same, or appoint a keeper thereof for the benefit of the village; and to erect, build or purchase a market building, and to regulate and improve the same for the benefit of said village; to raise money by tax to carry into effect the above mentioned powers; to defray the incidental expenses of the corporation, and to support the by-laws: *Provided*, That no tax to be levied in any one year, shall exceed the sum of three hundred dollars: *And provided further*, That no part of the said sum to be raised by tax, shall be applied to the making or repairing of sidewalks; and that the said tax shall be assessed upon the inhabitants of said village, who are voters therein, in proportion to their property, real and personal, within said village, by the trustees thereof, in like manner, and with such forms as town assessors are by law required to observe; except a tax which may, if deemed expedient, be levied upon the inhabitants of said village, owners of dogs and sluts, not to exceed the sum of one dollar per annum for each dog and slut; which said taxes shall be collected by the collector of said village, in the same manner as the taxes for the county of Herkimer, with the like liabilities, powers and privileges, to the said village collector, as the collectors of the several towns by law have and enjoy, by virtue of a warrant, signed by a majority of said trustees; and the amount so collected by the said collector, shall be paid over to the treasurer of said village: *Provided however*, That no tax whatsoever shall be levied, or monies raised by tax, nor any public building, market or hay scales erected, or purchased, nor any real estate, fire engine or building shall be raised, purchased, sold or disposed of, without the consent of the inhabitants of said village, qualified to vote, or of a majority of them present at a public meeting to be held as aforesaid after due notice.

Provito

Licenses

5. *And be it further enacted*, That it shall be lawful for the trustees of said village annually to grant licenses to such persons as they shall deem suitable to keep groceries, ordinaries and victualling houses, and to determine the sum which each person so licensed shall pay for the same, not less than three, nor more than fifteen dollars, which sum, together with the sum of fifty cents as a fee to the clerk of said village for making out said license, shall be paid to the said trustees for the use of the corporation, before any person so requiring a license shall be entitled to receive the same; and every person so as aforesaid licensed, who shall suffer or permit any play-

ing with cards or dice, or any kind of gaming by lot or chance, in, about or upon any part of his premises, or shall entertain or suffer to remain on his premises any riotous, or unlawful or disorderly, or noisy assemblage or company, or shall otherwise keep a disorderly or unwholesome house, he shall forfeit and pay for every offence the penalty of fifteen dollars; and upon being convicted, or having judgment pass against him therefor, it shall be lawful for the said trustees to forfeit and disannul his said license.

President of the trustees

6. *And be it further enacted*, That at the first village meeting for the election of officers for said village, and at every succeeding meeting for the like purpose thereafter, the inhabitants of said village qualified to vote as aforesaid, shall, in addition to the officers required to be chosen by the second section of this act, elect some citizen of said village, liable to pay town and county taxes, to be president of said village, and of the said board of trustees, and who shall to all intents and purposes, have the powers, duties and privileges of one of the trustees of said village, and shall continue in the exercise of his said office for one year from his election, and until a successor shall be duly elected and qualified: *Provided*, That the said president shall not have or exercise any of the powers of a justice of the peace in any civil action or penal action whatever, for he recovery of any debt, penalty or damages; and the said president shall be entitled to the like fees and compensation for the like services as justices of the peace are or may be by law entitled to, and to have them collected, audited and paid in the like manner; and it shall be the further duty of the said president when present, to preside at the meetings of the trustees; to call when necessary, extraordinary meetings of the trustees; to hear and receive complaints and informations of the breach of this act of incorporation, or of any of the by-laws or regulations of the said village; to see that the same are enforced and faithfully executed; and to cause to be prosecuted all offenders against, and violations of the said act, or any of the said by-laws or regulations; to keep the seal of the said corporation, and when necessary to affix the same with his signature to any certificate, warrant or contract, or other necesssary paper or instrument in the transaction of the business of the village, and at the annual meetings for election to make a report of the state of the funds of the corporation, of the expenditures of the last year, and his estimate of the probable amount which will be required to be raised by tax for the ensuing year: but the said president shall have no vote on any question to be decided by the trustees, unless those trustees present when the vote is taken, shall be equally divided, in which case he shall have a casting vote only; and three trustees shall be considered a majority of the whole, for all the purposes of this act.

Side-walks

7. *And be it further enacted*, That side walks along the principal streets of said village shall be made and kept in repair by and at the expense of the proprietors of the several lots adjoining upon the said streets, under the superintendence and direction of the said trustee: *Provided*, That no individual shall be compelled to expend a greater sum in any one year than fifteen dollars, for such purposes; and in case any person or persons being proprietor or proprietors, or in possession of any such lot, shall neglect or refuse to build or repair such side-walk, according to the direction of said trustees, in front of his, her or their land, after he, she or they shall

have been duly notified by the said trustees to do the same, it shall be lawful for the said trustees to build or repair the said side-walk in front of said premises, and to charge the expense of the same to the proprietor or proprietors of said land, and to recover the same sum of them or either of them, in the same manner that other penalties are by this act recoverable; and in case of the non-residence of the said proprietor or proprietors, the said trustees may cause the said land to be leased for a sufficient length of time to pay the said expenses and charges for building and repairing such side-walks, and the expense of advertising and leasing, giving six weeks public notice of such their intention, in some public newspaper in the county of Herkimer: *Provided*, That no side-walk shall be ordered or directed under this section, unless a majority of such of the said trustees as shall vote therefor, shall be actually freeholders in said village; and in the record of every such order, the clerk shall designate who voted in favor of such measure, and who among them were freeholders, which record, or a duly authenticated copy thereof, shall be deemed prima facia evidence in all courts and places of the facts therein stated.

Proviso

Clerk

8. *And be it further enacted*, That it shall be the further duty of the said trustees as soon as convenient, and within twenty days after their election, to assemble and choose some suitable person, being an inhabitant of said village, to be clerk of the said board of trustees, and of the corporation; and whenever any vacancy shall occur in any of the offices required by this act, by death, refusal to act, removal or otherwise, the said vacancy shall be filled by the said trustees, or a majority of them, by appointing some fit and proper person to the said office, in his or their place or places, and such person or persons so appointed by the said trustees, shall be thereby fully vested with the same powers, privileges and duties as if he had been elected to the said office at the annual meeting to choose officers; and the said trustees are hereby authorised to remove the clerk at pleasure, in their discretion, and to appoint another in his place; and in case of the absence or inability to serve, of the said clerk, to appoint a clerk pro tem; and the said trustees shall have the further power in their discretion, to remit, either wholly or in part, or conditionally, any fine or penalty imposed upon or recovered against any person or persons by virtue of this act: *Provided*, That they shall not remit any such fine or penalty, other than so much thereof as would if collected go to increase the funds of the corporation.

Minutes

9. *And be it further enacted*, That it shall be the duty of the clerk to attend at all meetings of the inhabitants of said village, and of the said trustees, and to [keep] the minutes of all such votes, orders, rules, regulations and by-laws as shall be made at the said meetings of the inhabitants of said village, and of the trustees respectively; and also to keep minutes of all other proceedings had by the said inhabitants or trustees, by virtue of this act, all which shall be duly entered by him in a book to be by him provided and kept for that purpose; and all the records and entries in said book shall be taken and deemed prima facia evidence of the facts therein stated, in all courts and places whatsoever: and it shall be the further duty of the said clerk to keep and preserve all the papers and documents belonging or appertaining to the concerns thereof, which shall be deposited with him for that purpose, and to do all things

whatsoever that may be required of him by the said board of trustees as their clerk, and the said clerk shall receive for his services such reasonable compensation out of the village funds, as may be agreed upon by the said board of trustees, but the trustees shall not be allowed any compensation for their services.

Fire wardens.

10. *And be it further enacted*, That it shall be the duty of the fire-wardens of said village to have the custody and general superintendence of the fire-engines, hooks, ladders, public cisterns, and other instruments and conveniences for the extinguishment or prevention of fire, to see that the same are kept in proper order and in convenient places; to inspect the chimnies, fire-places, ovens and stoves in said village, and to make report of such as are dangerous to the trustees, and to prohibit the use of such as are dangerous; to remove dangerous combustibles, and all manner of things, and careless deposits, whereby fire is likely to ensue; to see that the citizens are properly provided with fire buckets, and whenever required by the trustees, to make a general inspection through the village, relative to the matters appertaining to their office, and to see that all proper by-laws relative to the prevention or extinguishment of fire are duly executed, and to make annual, and oftener if required by the president, report of their proceedings, and the state of their department, to the president of said village.

Treasurer

11. *And be it further enacted*, That it shall be the duty of the treasurer to receive and keep for the use of the corporation, all funds and monies belonging to the said corporation; and it is hereby the duty of each of the other officers of the said corporation, and of every other person to, or in whose hands any monies of the said corporation or for its use may come, or be, to pay over the same to the said treasurer; and it shall be the further duty of the treasurer to pay out of any monies in his hands, any and all accounts and demands when duly audited and allowed by the said trustees, upon their order, and all other sums upon their legal requirement, to be signified to him by the order of the president of said village, countersigned by the clerk, and at the expiration of his office to pay over to his successor in office the balance of village funds in his hands, and to deliver all the vouchers and documents pertaining to his office, into the possession of said successor, and to make report to the president of the village at the expiration of each year, of the state of the village funds, of the amount by him received, and on what account, of the amount paid out, and to whom and on what vouchers; and the said treasurer, and the collector of said village, before they enter upon the duties of their office, shall respectively, each for himself, give a bond to the trustees of the said village of Little Falls, with one or more sufficient sureties thereto, to be approved by the president, conditioned for the faithful performance of the duties of their respective offices, and for the accounting and paying over all monies of the said corporation, that shall come to their hands respectively.

Oath

12. *And be it further enacted*, That each of the officers to be elected by virtue of this act, before he enters upon the duties of his office, and within twenty days after his election, shall take and subscribe an oath, faithfully to perform the duties and trusts of his office, according to the best of his abilities; which oath may be administered by the president of said village or by any justice of the peace, judge or commissioner to take affidavits in the county of

Herkimer; and in case any person elected to any office by virtue of this act shall neglect or refuse to take upon himself the duties thereof twenty days after his election, he shall be subject to a fine of ten dollars, and the trustees shall supply his place by a new appointment as is herein before directed: *And further*, That the acts of a majority of said trustees shall be taken and deemed to be the acts of the whole of them, for all the purposes of this act.

Fines

13. *And be it further enacted*, That all penalties, forfeitures, and fines hereafter to be incurred or to accrue under this act, or under any of the by-laws or regulations herein authorised, may be recovered by action of debt, before any justice of the peace, or in any other court of competent jurisdiction, in like manner as other actions are prosecuted in any of said courts, and shall be prosecuted in the name of the trustees of the village of Little Falls, in which action it shall be sufficient to declare generally, in debt, as for so much money had and received, for the use of the said trustees, and to give the special matter in evidence, and the citizens of said village are hereby declared to be competent jurors and witnesses in all such actions, and in all other actions wherein the said corporation may be interested, in the same manner as if the said corporation was disinterested in any such suit or action, and not otherwise.

Commissioners of highways

14. *And be it further enacted*, That it shall and may be lawful for the commissioners of highways of the town of Herkimer, to lay out streets, public highways and alleys within the limits of the said village, of a less width than four rods, when so required by a majority of said trustees, upon the application of twelve freeholders belonging to said village, any thing in the act regulating highways to the contrary notwithstanding; and that the like proceedings shall in all respects be observed as under the aforesaid act for regulating highways.

A public act

15. *And be it further enacted*, That this act be and the same is hereby declared to be a public act, and shall be construed in all courts of justice in this state benignly and liberally, to effect every beneficial purpose therein mentioned and contained.

CHAP. 277.

AN ACT *to incorporate the Dutchess County Iron-Works and Smelting Company.*

Passed April 17, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Joseph Ketcham, Enos Hopkins, Thomas Barlow, Albert Cocks and Joel Brown, and such others as hereafter may be associated with them for the purpose of mining, working and smelting iron ore, and manufacturing iron in the county of Dutchess, shall be and they are hereby ordained, constituted, created and declared a body politic and corporate, in fact and in name, by the name of "The Dutchess County Iron-works and Smelting Company," and by that name they and their successors shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being

sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and that they and their successors by the same name and style, shall be capable of purchasing, holding, using and conveying any estate, real or personal, for the use of said corporation, and necessary for the objects of the incorporation: *Provided*, That the said real estate shall be within the county of Dutchess, or such as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealing, or purchased at sales upon judgments, and other incumbrances, which shall have been obtained for such debts. Proviso

2. *And be it further enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, and a share in said capital stock shall be one hundred dollars; and the directors hereinafter named, are hereby authorised to open a subscription for said stock, at such times and places within the county of Dutchess, as they or a majority of them shall appoint, and to keep the same open until the whole of said stock shall be subscribed: *Provided always*, That every person offering to subscribe for said stock shall previously pay the sum of ten dollars on each share to be by him subscribed. Stock

3. *And be it further enacted*, That if the directors of said corporation for the time being, or a majority of them, shall at any time deem it necessary and advisable to increase the capital stock of said corporation, they are hereby authorised to receive additional subscriptions in the manner herein before directed, for shares in said stock of one hundred dollars, until the whole of said capital stock shall amount to to fifty thousand dollars. Stock may be increased

4. *And be it further enacted*, That the stock of said corporation shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of the said corporation; and no transfer of said stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the directors for that purpose; nor so long as the stockholder transfering, is, or shall be indebted to said corporation. Stock transferable

5. *And be it further enacted*, That the stock, property, concerns and business of said corporation shall be managed by five directors, one of whom shall be appointed president thereof by said directors; and said directors shall hold their office for one year from the first Tuesday in June, in every year; and the said directors shall be elected on the last Tuesday in May in every year; and such election shall be made by the stockholders present, or by proxy, at such time of the day and at such place within the county of Dutchess, as a majority of the directors for the time being shall appoint; and thirty days notice of such election, and of the time and place shall be given, in one of the newspapers printed in the county of Dutchess, by said directors; and the said directors shall be elected by ballot, and each of the stockholders shall be entitled to one vote for each share of the stock of the said corporation, which he may own; and the persons having the greatest number of votes shall be the directors; and whenever a vacancy shall happen among Affairs how to be managed

the directors, by the death, resignation or removal out of this state, such vacancy may be filled for the remainder of the year, by such person as the remainder of the directors, or a majority of them, shall appoint; and that the first directors shall be Joseph Ketcham, Enos Hopkins, Thomas Barlow, Albert Cocks and Joel Brown, who shall hold their offices until the first Tuesday in June, in the year one thousand eight hundred and twenty-seven.

First directors

Day of election

6. *And be it further enacted*, That in case it should happen at any time, that an election of directors should not be made on the day that pursuant to this act, it ought to be made, the said corporation shall not, for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day in manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

By laws

7. *And be it further enacted*, That a majority of the directors for the time being, shall form a board or quorum for transacting all the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States or of this state, as shall to them appear needful and proper, touching the management and disposition of the stock, property, effects and business of the said corporation; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other matters as appertain to the concerns of the said corporation; and shall have power to employ so many officers, clerks, agents, labourers and servants, and at such places as shall be necessary for carrying on the business of the said corporation, and with such salaries and allowances as to them shall seem meet.

Accounts

8. *And be it further enacted*, That the directors shall at all times keep or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of said corporation; which books shall be subject at all proper times to the inspection of the stockholders of the said corporation.

Calls

9. *And be it further enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions, and at such times and places within the county of Dutchess, as they may think proper, under a penalty for ten days neglect of payment, of a forfeiture of all previous instalments, and of all rights and interests whatsoever in the said corporation, giving public notice thereof, at least sixty days, in one of the newspapers printed in the county of Dutchess.

Capital how to be applied

10. *And be it further enacted*, That the capital of the said company shall be applied to, and used for no other purposes than those of mining, working and smelting iron ore, and manufacturing iron, and the necessary operations immediately connected therewith.

Banking prohibited

11. *And be it further enacted*, That it shall not be lawful for the said corporation to engage in any banking business, or to discount any evidences of debts, or to issue any note, bond or bill, or to issue any check, draft or order for money for the purpose of loaning the same, or to use or exercise any power, not expressly granted by this act, and not indispensably necessary to the execution of such powers, and any violation of the provisions of this section, shall be deemed a forfeiture of all the rights and privileges conferred by this act.

12. *And be it further enacted*, That unless the corporation hereby created, shall be organized by the choice of directors, and shall go into operation in good faith, within one year after the passage of this act, then this act and the rights and privileges hereby granted, shall cease and become null and void. When to go into operation

13. *And be it further enacted*, That the stockholders of the said corporation shall be holden, in their individual capacities, responsible, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively; and any person having any demand against the said company, may sue any stockholder singly, or any two or more stockholders jointly, and recover in any court having cognizance thereof: *Provided*, Such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also*, That the said company shall be liable to be prosecuted as a corporation for any such demand. Responsibility Proviso

14. *And be it further enacted*, That the rights and privileges hereby granted, shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same, and also subject to the right of either house of the legislature at any time to require from the officers of the said corporation, an account of the receipts and expenditures, and of any transactions of the said company or its officers. Right to repeal

15. *And be it further enacted*, That this act be and the same is hereby declared to be a public act. A public act

CHAP. 278.

AN ACT *to submit to the People of this State, certain Amendments proposed to the Constitution.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the inspectors at each poll in the several towns and wards of this state, at the annual election, to be held on the first Monday in November next, shall provide a proper box to receive the ballots of the citizens of this state, in relation to certain proposed amendments to the constitution, agreed to by a majority of all the members elected to each of the two branches of the legislature, for the year eighteen hundred and twenty-five, and also agreed to by two-thirds of all the members elected to each of the said two branches for the year eighteen hundred and twenty-six, pursuant to the eighth article of the said constitution; and each voter shall present a ballot, on which shall be written or printed, or partly written and partly printed, one of the following forms, or a form substantially the same, namely: First, "for electing justices of the peace by the people, and for extending the elective franchise;" or second, "against electing justices of the peace by the the people, and for extending the elective franchise;" or third, "for electing justices of the peace by the people, and against ex- Inspectors to provide ballot box Form of ballots

tending the elective franchise;" or fourth, "against electing justices of the peace by the people, and against extending the elective franchise." And that all the citizens of this state now entitled by law to vote for members of the legislature, shall be allowed, during the days of such election, to vote by ballot as aforesaid, in the town or ward in which they shall actually reside.

Who entitled to vote

Election how conducted

2. *And be it further enacted*, That the said election shall in all respects be conducted, the qualifications of voters tested, and the poll lists shall be kept and shall be destroyed, in the manner prescribed by the act entitled "an act for regulating elections," passed April 17th, 1822.

Duty of inspectors after closing the poll

3. *And be it further enacted*, That after finally closing the poll of any such election, the inspectors of the several towns and wards shall proceed to count and canvass the ballots, in the same manner as in and by the ninth section of the act aforesaid, they are directed to count and canvass the ballots for governor, lieutenant-governor, and other officers: and thereupon shall set down in writing, in words at full length, the whole number of votes given with the words "for electing justices of the peace by the people, and for extending the elective franchise," written thereon, and also the whole number of votes given with the words, "against electing justices of the peace by the people, and for extending the elective franchise" written thereon, and also the whole number of votes given with the words "for electing justices of the peace by the people, and against extending the elective franchise" written thereon, and also the whole number of votes given with the words "against electing justices of the peace by the people, and against extending the elective franchise" written thereon: and shall certify and subscribe their own proper names thereto, and cause one copy thereof to be delivered to the town clerk, to be by him entered of record, according to the provisions of the ninth section of the act aforesaid.

Duty of county canvassers

4. *And be it further enacted*, That the votes so given shall be canvassed by the board of county canvassers, agreeably with the provisions of the tenth section of the act aforesaid, and the said board of county canvassers shall set down in writing, in words at full length, the number of votes taken with the words so respectively written thereon as aforesaid, and shall certify the same, and cause the said certificate to be signed by the chairman and secretary of said board, which said certificate shall be recorded by the county clerk, at full length, in some proper book to be by him provided for the purpose, and published in the newspapers published in said county.

Duty of clerk of county

5. *And be it further enacted*, That the county clerk of each of the counties of this state, or in his absence, the deputy clerk shall, immediately after the votes of the said county have been canvassed as aforesaid, and the certificates of such canvass, signed as aforesaid, shall have been delivered to him, record the said certificates in some proper book to be kept in his office as a part of the public records of the said county, and shall immediately thereupon make out three certified copies of the said certificate, and subscribe the same with his own proper name and hand-writing, and affix thereto his seal of office, one of which said copies he shall inclose and send by mail to the person administering the government of this state, and one other of the said copies he shall in like manner inclose and send by mail to the secretary of this state, and the other copy he

shall in like manner inclose and send by mail to the comptroller of this state, each of which copies shall be inclosed and forwarded by mail as aforesaid before the third Monday in November next: *And further*, That the secretary of state, when he shall so receive any such certified copies of such canvass as aforesaid, shall file the same of record in his office, and cause the same to be recorded in some proper book to be provided for that purpose: and in case the said secretary shall not receive such certified copies of such certificates from all the counties of this state, on or before the last day of November next, it shall be his duty to call on the person administering the government of this state, and the comptroller, and ascertain whether either of them has received such certified copies of the canvass as aforesaid; and in case either the person administering the government of this state, or the comptroller, shall have received such certified copies, it shall be the duty of the secretary to receive the same, and file them of record, and record them in his office in manner aforesaid; but in case it shall so happen that there shall be one or more counties of this state from which neither the person administering the government of this state, or the secretary of this state, or the comptroller, shall have received such certified copies of such canvass as aforesaid, on or before the last day of November next, it shall be the duty of the said secretary to send a special messenger or messengers to such county or counties as shall not have forwarded such certified copies of the said canvass by mail as aforesaid, or from which such copies shall not have been received, to demand such certified copies from the clerk of such county or counties as shall not have forwarded them in manner aforesaid; and it shall be the duty of any such clerk, immediately on demand of such messenger being made at his office, to make out and deliver to such messenger such certified copies of the said canvass as is above mentioned, which said copies the said messenger shall deliver to the secretary of state as soon as may be, to be filed and recorded as aforesaid.

Secretary of state

His duty in certain cases

6. *And be it further enacted*, That such certified copies having been received by the secretary of state, shall remain in his office of record, and it shall be the duty of the said secretary, in conjunction with the surveyor-general, attorney-general, comptroller and treasurer, on or before the fifteenth day of December next, to ascertain the aggregate amount of votes so given, in the manner prescribed in the thirteenth section of the act aforesaid, and without delay make, and subscribe with their proper names and hand-writing, a certificate of the aggregate amount aforesaid, which certificate shall be entered of record in the office of the secretary of state, in a book to be by him provided for that purpose, and published in one of the public newspapers printed in each of the senatorial districts of this state.

Duty of state canvassers

7. *And be it further enacted*, That if either the said secretary, surveyor-general, attorney-general, comptroller or treasurer, or any two of them, shall neglect, or by death or otherwise be prevented from discharging the duties imposed on them by this act, then it shall be lawful for the other of the said officers to perform the same; and if any three of the said officers shall neglect, or be prevented as aforesaid from discharging the said duties, in that case it shall be

Justices of the supreme court to canvass in certain cases

lawful for any two of the justices of the supreme court of judicature of this state, and they are hereby required, on notice to be given them for the purpose by the person administering the government of this state, to attend without delay at the secretary's office, and in conjunction with either the said secretary, surveyor-general, attorney-general, comptroller or treasurer, who may convene with them for that purpose, to do and perform the respective duties enjoined upon the secretary, surveyor-general, attorney-general, comptroller and treasurer of this state by virtue of this act; and all questions which may arise in the canvass, estimate or calculation of the votes given at any such election under this act, shall be determined by the opinion of a majority of the persons composing the board of canvass, estimate or calculation, as the case may be; and the said secretary, surveyor-general, attorney-general, comptroller and treasurer, or justices of the supreme court, as the case may be, shall, before they enter upon the said duties enjoined upon them, severally take and subscribe, before the chancellor, or one of the justices of the said supreme court, or one of the masters in chancery, or the recorder of the city of Albany, an oath that he will in all things faithfully, honestly and impartially discharge the duties enjoined upon him by this act, which said oath shall be entered of record in the secretary's office.

Oath of canvassers

Wilful neglect how punished

8. *And be it further enacted*, That if the said secretary, or surveyor-general, or attorney-general, or comptroller, or treasurer, or any justice of the supreme court, or any clerk or sheriff of any of the counties of this state, or any of the said inspectors shall be guilty of any wilful neglect of the duties required of them by this act, or of any partial or corrupt conduct in the execution of the same, and be thereof convicted, every of them so offending and convicted, shall forfeit and pay for every such offence the sum of five hundred dollars, to be recovered by action of debt, or by information, in any court of record, the one moiety thereof to the use of any person who shall prosecute for the same, and the other moiety thereof to the use of the people of this state: and if the prosecutor in any such suit shall prevail, he shall likewise recover his costs of suit against the person convicted, but if the person so proceeded against shall be acquitted, he shall recover double costs against the prosecutor; and no process shall issue to bring in the party accused, until a bond be filed in the office of the clerk of the court, out of which such process shall issue, in the penalty of five hundred dollars, with two sufficient freeholders as sureties, such as the court shall approve, to secure the defendant double costs, to become due on a discontinuance, withdrawing the suit, or an acquittal or neglect to bring the same to trial within five terms after the appearance of the defendant to answer the same: *And further*, That every person so convicted shall also suffer the same pains and penalties, as in case of wilful and corrupt perjury, and shall, from and after such conviction, be utterly disqualified to hold or enjoy any place of trust or office in this state.

This act to be distributed to county and town clerks

9. *And be it further enacted*, That it shall be the duty of the secretary of this state forthwith to cause this act to be printed, and distributed to the clerks of the respective counties, by transmitting to such clerks, with all convenient speed, as many copies as shall be equal to ten times the number of towns and wards in such county,

and the said clerks shall immediately thereafter deliver ten copies thereof to the town clerk of each town in his county, for the use of the supervisor, assessors and other officers of the town, and to the aldermen of each ward ten copies, for the use of the assessors and inspectors of each ward, and the expenses of such printing and distribution shall be paid by the treasurer on the warrant of the comptroller.

Justices in certain cases not to be appointed

10. *And be it further enacted,* That it shall not be lawful for the judges and supervisors of any county of this state, to appoint justices of the peace to fill the places of such justices as were appointed in February, one thousand eight hundred and twenty-three, until the month of October, one thousand eight hundred and twenty-seven.

Justices to hold over

11. *And be it further enacted and declared,* That the justices of the peace who shall be in office at the time of the adoption of the amendment to the constitution respecting the mode of electing justices of the peace, shall notwithstanding such adoption, be deemed to hold their offices respectively and execute the duties thereof, until justices shall be elected pursuant to such amendment.

Not lawful to appoint after ratification

12. *And be it further enacted,* That if the said amendment respecting the election of justices of the peace shall be ratified by the people, it shall not be lawful for the judges and supervisors of any of the counties of this state, to make any appointment of justices of the peace, after such ratification.

CHAP. 279.

AN ACT *to amend the Act, entitled "An Act to incorporate the Mechanics' Humane Association, and the General Society of Mechanics in the Village of Poughkeepsie," passed April* 11, 1808.

Passed April 17, 1826.

Time extended

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That the period limited in and by the first section of the act hereby amended, for the expiration or dissolution of the Mechanic Humane Association, shall be, and the same is hereby extended to the second Wednesday of January, one thousand eight hundred and sixty.

May hold real estate

2. *And be it further enacted,* That the the said Mechanic Humane Association shall have power to purchase and hold real and personal estate, (including a library for the use of the mechanics of the city of Troy and their apprentices): *Provided,* The value of such real and personal estate shall not, at any time, exceed the sum of fifty thousand dollars.

Terms of admission

3. *And be it further enacted,* That no person shall hereafter be admitted a member of the said Mechanic Humane Association, unless he shall have been previously instructed in some branch of mechanics, and shall be actually pursuing some mechanical occupation at the time of his admission.

Repealing clause

4. *And be it further enacted,* That such parts of the act hereby amended which are inconsistent with, or repugnant to this act, be and the same are hereby repealed.

Right of the legislature

5. *And be it further enacted*, That the legislature may, at any time hereafter, alter, modify or repeal this act.

CHAP. 280.

AN ACT *confirming to David A. Ogden certain Lands situate in a Branch of the River St. Lawrence.*

Passed April 17, 1826.

D A Ogden vested with lands under the dam

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That David A. Ogden, of the county of St. Lawrence, being the proprietor of both sides of a branch of the river St. Lawrence, in the town of Madrid, and across which river he has erected a dam and locks, in pursuance of an act of the legislature of this state, passed 1st April, 1808, shall and he is hereby declared to be vested with all the rights of the people of this state to the lands situate below the said dam, and which by reason thereof has been rendered susceptible of improvement, and extending down the branch of said river, from the said dam, to the navigable waters thereof, to have and to hold to the said David A. Ogden, his heirs and assigns for ever: *Provided*, That nothing contained herein shall operate to prevent the people of this state, at the expiration of the term of seventy-five years from the said first day of April, one thousand eight hundred and eight, to alter and regulate the tolls on boats passing said locks, as they in their discretion may deem proper: *And provided further*, That nothing in this act contained shall be taken to prevent or in any manner to hinder the state from taking from the said branch of the river Saint Lawrence, below the said dam, any water for the use of any navigable canal or canals which may be constructed by the state, or by virtue or in pursuance of any act of the legislature of this state.

Proviso

CHAP. 281.

AN ACT *to amend the Act, entitled "An Act to authorise the Diversion of the Surplus Waters of the Black River, into Pleasant and Stoney Creeks, in the County of Jefferson," passed April* 20, 1825.

Passed April 17, 1826.

Canal may be constructed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Joseph Kimball, Amos Catlin and Daniel Hall, junior, the commissioners named in the aforesaid act, to construct a canal or mill-feeder, for the purpose of diverting the surplus waters of Black river, in the county of Jefferson, into Pleasant and Stoney creeks, in the said county, and for that purpose by themselves, their agents or servants, to enter upon the lands adjacent to said river, in the town of Watertown, at such place as they shall think proper, and to erect and keep in repair any dam or dams across the said river at any

point where such dam or dams may be necessary to enable them to divert the said surplus waters, and to construct such canal or mill-feeder, and thereafter to keep the same in repair: *Provided*, That nothing in this act, or the act hereby amended, shall be construed to authorise the said commissioners, or any other person, to take the surplus waters of the said river from any mill-pond now created by the erection of any dam or dams upon said river, or in any way to interfere with any such dam or dams, or with the race-ways or mills connected therewith. Proviso

2. *And be it further enacted*, That it shall be the duty of the said commissioners, before the said surplus waters shall be diverted, and within eight months after the commencement of their operations upon that part of the said canal within any mill-yard adjoining said river, to cause the said canal to be substantially covered, so far as the first judge of the said county shall determine to be necessary, in such manner as to admit the free and safe passage of teams and loaded carriages, and shall thereafter keep the same so covered as far as the same may run through any mill-yard now erected adjoining said river; and in case of default thereof, the person or persons injured by such default may have a remedy for their damages by prosecution of the bond mentioned in the third section of the act hereby amended. To be covered within mill yards

3. *And be it further enacted*, That no lands shall be entered upon or used by virtue of the foregoing provisions of this act, except such as may be situated within three miles of the said Black river; and that no mills, machinery or hydraulic works of any kind, shall be erected upon the said canal or mill-feeder, within three miles of the said river. Lands to be used

4. *And be it further enacted*, That it shall and may be lawful for the said commissioners to contract and agree with the owner of any lands and tenements for the privilege of making and digging the said canal or mill-feeder, if they can agree with such owner; but in case of disagreement, or in case any owner thereof shall be feme covert, under age, or non compos mentis, or out of the state, then it shall and may be lawful for the said commissioners to apply to the chancellor of this state, or the judge of the circuit court of the fifth circuit, who, upon such application, is hereby authorised and required to issue one or more writs, as occasion shall require, in nature of a writ ad quod damnum, to be directed to the sheriff of the county of Jefferson, commanding him, that by the oaths of twelve good and lawful men of the said county, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands and tenements necessary to be used for making the said canal or mill-feeder, which person or persons shall be named in the said writ, and which lands and tenements shall be described in such writ or writs, will suffer any, and what damages, by using any of their lands and tenements necessary for making the said canal or mill-feeder, and to return the same writ, together with the finding of the said jury, to the court out of which the same shall issue, without delay after such finding; and upon such writ being delivered to the said sheriff, he shall give at least eight days' notice to all and every the occupants and owners of the said premises, who he may be able to find within the said county, and shall also affix a copy of the said notice on the door of the court-house in the said county, and shall Contracts land

cause a copy of the said notice to be published in the newspaper which may be printed at the place nearest to the said premises, at least eight days previous to the taking the said inquisition, which notice shall describe the lands respecting which the said inquisition is to be taken, and time when, and place where, the said inquisition will be taken; at which time the said sheriff shall cause to come upon the said premises, or at some place near to and convenient to the same, twelve good and lawful men of the said county, who shall be selected in the same manner as jurors to serve in the courts of common pleas of this state are selected, to whom the said sheriff shall administer an oath that they will diligently enquire concerning the matters and things in the said writ specified, and a true verdict give, according to the best of their skill and judgment, without favor or partiality; and thereupon the said sheriff and jury, or inquest, shall proceed to view the lands and tenements in such writ specified, and having considered the lands and tenements which may appear to the said jury to be necessary to be used for the purpose of making the said canal and mill-feeder, they shall cause the same to be minutely and exactly described by metes and bounds, or other particular descriptions, and shall value and appraise the injury or damages, if any, which the owner or owners of any lands adjoining the said canal will, according to their judgment, sustain by means of the said canal or mill-feeder, and shall ascertain and specify the several sums at which the damages of the owner or the respective owners shall be assessed by the said jury; and the said sheriff and jury shall make an inquisition under their hands and seals, setting forth all the matters and things aforesaid; and the sheriff shall forthwith return the same, together with the said writ, to the court out of which the said writ issued; and thereupon the chancellor or judge of the said court shall examine the same, and if the writ shall appear to have been duly executed, and if the said inquisition shall be approved and confirmed by the said court, and the return thereof to be sufficiently certain, then the said court shall enter judgment that the said commissioners paying to the said owner or owners as aforesaid, the sums of money by the said inquisition assessed to them thereby, or bringing the same into court, over and besides the costs of such writs, and of executing and returning the same, shall be entitled to have and to hold to the said commissioners, and to their successors and assigns for ever, the use of all and every the lands and tenements in the same inquisition described, for the purposes aforesaid, as fully and effectually as if the same had been granted to them by the respective owners thereof.

Inquisition

5. *And be it further enacted*, That if it shall be made to appear to the chancellor or judge, to whom application shall be made for the said writ, in the nature of a writ ad quod damnum, that the said inquisition may not be impartially taken by a jury of the said county of Jefferson, then it shall and may be lawful for the said chancellor or judge to cause such inquisition to be taken by a jury of the next adjoining county, and the said judge shall so form the said writ in nature of a writ ad quod damnum, or issue such other writs or process, and make such rules and orders as may be proper and requisite, to cause a jury of such next adjoining county to take such inquisition as aforesaid, before the said sheriff of the county of Jefferson: And if it shall appear to the chancellor or to the said judge,

that any writ which may be issued in virtue of this act has been improvidently issued, before the same shall be executed, or after the same has been executed and returned, that the same has not been executed and returned duly or in due form, the said chancellor or judge may suspend any such writ and cause a new writ to be issued, or an inquisition to be taken de novo.

Majority of the comm'rs may act

6. *And be it further enacted*, That all the powers, duties and capacities given by this act to the commissioners named in the first section of the act hereby amended, may be exercised, performed and enjoyed by a majority of the said commissioners, or the survivors or survivor of them, or by the person or persons who shall be appointed to act as such commissioners, pursuant to the seventh section of the act hereby amended; and the said writ or writs in nature of a writ ad quod damnum, may, at the discretion of the chancellor or judge aforesaid, be directed to a coroner or other proper officer of the county of Jefferson, and the person to whom the same may be directed shall in such case perform all the duties by this act required of the sheriff of the said county.

Bridges

7. *And be it further enacted*, That whenever the said canal or mill-feeder shall divide the grounds of any person, the jury who shall enquire of the damages to be sustained in the manner herein directed, shall find and ascertain whether a passage across the same ought to be maintained by a bridge for the use of the person whose grounds may be so divided, and on such finding, the said commissioners shall cause a bridge, fit for the passage of carts and wagons, to be built, and for ever thereafter to be maintained at all and every the places ascertained by the said jury. The cost of making and keeping in repair such bridge or bridges, shall be levied and paid in the same manner as is provided by the twelfth section of the act hereby amended, for erecting and keeping in repair bridges which may be required over the said canal or mill-feeder, where it may intersect any highway; but nothing herein contained shall prevent any person from erecting and keeping in repair any bridge across the said canal or mill-feeder, at his own expense, where the said canal or mill-feeder shall intersect his ground, so that such bridge shall not interfere with, or in any wise intercept the free use of the said canal or mill-feeder, for the purposes for which it is intended.

Rights reserved

8. *And be it further enacted*, That nothing in this act, or in the said act hereby amended, shall be taken and construed as granting to any person or persons whomsoever, any right to divert or use any of the waters of Black river, which are or may become necessary for the use or enjoyment of any mills, water privileges, locks, navigable or other canals, aqueducts or other hydraulic works, which now are or hereafter may be erected on the said Black river, or the shores thereof; and also saving and reserving to all and every person or persons, bodies politic or corporate, all their rights and privileges of, in and to the waters of the said river, necessary for the use or enjoyment of any mills, water privileges, locks, navigable or other canals, aqueducts or other hydraulic works, erected or which may hereafter be erected or constructed as aforesaid.

Injunction may be granted

9. *And be it further enacted*, That if any person or persons who is or are, or may be interested in any such mills or other works already erected, or which hereafter may be erected or constructed on said river, be at any time interrupted or hindered in any way or in

any degree in the enjoyment or use thereof, by the diversion of any of the waters of the said river by the said canal or mill-feeder, or for the use of the same, it shall be the duty of the chancellor, or the judge of the said fifth circuit, upon application of the persons so interested, by bill or otherwise, to prevent, by injunction or decree, the diversion of any part of the waters of the said river which may be necessary for the use or enjoyment of any such mills or other works herein before enumerated, which now are or hereafter may be made, erected or constructed upon the said river, or upon the shores thereof, so that all the waters of the said river which now or hereafter may become necessary for such mills or other works, may be enjoyed by the owner of such mills or other works, as fully and freely as if this act, or the act hereby amended, had not passed.

In case of judgment obtained

10. *And be it further enacted*, That whenever any judgment may be obtained upon any bond filed in pursuance of the third section of the act hereby amended, it shall be lawful for the person for whose benefit the said bond may have been prosecuted, or for any other person entitled to a remedy upon said bond, to sue out a writ of scire facias upon such judgment, and to prosecute the same for the recovery of any damages which may be sustained by such person, and not previously recovered: *Provided*, That no prosecution shall be had on any former bond, for any injury sustained after the filing of a new bond as provided for by said act.

Proviso

Control of the water diverted

11. *And be it further enacted*, That the said commissioners, or a majority of them, the survivor or survivors of them, shall have the exclusive right of controlling and disposing of the water diverted, or what may be diverted into Pleasant creek; and that the second proviso in the first section of the act hereby amended, and also the second and eighth sections of the said act, be and the same are hereby repealed; but in case the said canal or mill-feeder shall not be completed as authorised and contemplated in and by this act, and the act hereby amended, within three years from and after the passage of this act, then all the rights and privileges granted by this act, or by the act hereby amended, shall cease and determine.

CHAP. 282.

AN ACT *relative to Lands sold for Quit-Rents, and to correct Errors in the Payment of Quit-Rents, and for other purposes.*

Passed April 17, 1826.

Compensation to be made in certain cases

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That whenever it shall appear to the commissioners of the land-office that any lands have been sold for arrears of quit-rents, and patents thereupon granted, without conveying to the purchaser any lawful title to the premises so granted, it shall be lawful for the said commissioners to compensate such grantees, their heirs or assigns, for the money actually paid into the treasury on such sales, together with interest thereon, at the rate of six per centum per annum, by allowing to such grantees, their heirs or assigns, credit to the amount aforesaid, for any purchases which he or they many make, at any sales by the surveyor-general of the lands

pledged to the common school fund; and that the sixth section of the "act concerning the commissioners of the land-office and the sale of the unappropriated lands," shall not be deemed to extend or apply to sales made for arrears of quit-rents.

For sales improperly made

2. *And be it further enacted*, That whenever it shall appear to the comptroller, the attorney-general and the surveyor-general, that any sales of lands for arrears of quit-rents have been improperly made, or that such cannot for any reason be effected, it shall be their duty to subscribe a certificate of the fact, and of the reasons why, in their judgments, such sales were improper, or why they cannot be effectual, and to file the same in the office of the comptroller, and thereupon it shall be lawful for the comptroller to cancel such sales on his books, and to refund to the purchasers, their heirs or assigns, the amount of the consideration money paid, together with interest at the rate of six per centum per annum, from the time of such payment until such sale is vacated, not exceeding six years in the whole, which shall be paid by the treasurer, on the warrant of the comptroller, the one equal half thereof out of the common school fund, and the other half out of the literature fund.

Monies refunded

3. *And be it further enacted*, That whenever monies shall be refunded by the comptroller, for payments erroneously made into the treasury on account of quit-rents, the same shall be paid by the treasurer, on the warrant of the comptroller, the one equal moiety thereof out of the annual school fund, and the other moiety out of the literature fund.

Proof notice required by law to be given

4. *And be it further enacted*, That whenever a purchaser of any lands sold for quit-rents or for taxes, shall have given the notice required in the twenty-second section of the act, entitled "an act concerning quit-rents, and to increase the literature and school funds respectively," passed April 13, 1819, or the notice required in the forty-fifth section of the "act for the assessment and collection of taxes," passed April 23, 1823, he shall furnish to the comptroller proof thereof, by the affidavit of the person who served such notice, which may be taken before any judge of any county courts, and any wilful false swearing therein shall be subject to the pains and penalties of perjury; and such original affidavit, or a certified copy thereof, under the hand and seal of the comptroller, shall be prima facia evidence of the facts therein contained, in all courts and places whatsoever.

Advertisements for lands to be sold

5. *And be it further enacted*, That the sales of all lands which the commissioners of the land-office shall direct to be sold in pursuance of the eighteenth section of the act, entitled "an act concerning the commissioners of the land-office and the sale of unappropriated lands," passed April 6, 1813, shall be advertised in such newspapers as the said commissioners shall direct: *Provided*, That such advertisements shall be published in at least one newspaper in the county where any such land is situated, or in the newspaper published nearest to such land, any thing contained in the fifteenth section of the said act to the contrary notwithstanding.

Lands to be bid in for the state

6. *And be it further enacted*, That it shall be the duty of the comptroller to bid in for the state, at the present or any future sale of lands for taxes, all and every lot of land by him put up, for which no person offers to bid thereon, and the sales to the state shall be subjected to the same conditions as sales made to any other person;

and the treasurer shall pay, on the warrant of the comptroller, the amount of the taxes on the lands that shall be so purchased for the state.

Invalid sales for taxes

7. *And be it further enacted*, That in all cases of lands heretofore sold, or hereafter to be sold by the comptroller for taxes, where the sale has been or shall be invalid or ineffectual, to give title to the lands supposed to be sold, it shall be the duty of the treasurer, on the warrant of the comptroller, to refund to the purchaser or purchasers, his, her or their assigns, the purchase money and interest thereon; and it shall be the duty of the comptroller, on receiving satisfactory evidence that any sale is invalid or ineffectual to give title as aforesaid, to draw such warrant on the treasurer as aforesaid: *And further*, The comptroller shall re-charge the county from which the tax was returned, with the amount of the tax, and interest at the rate of seven per cent, from the time interest was charged thereon by him.

CHAP. 283.

AN ACT *concerning Property conveyed by Myron Holley to the Commissioners of the Canal Fund, pursuant to an Act passed the 21st April*, 1825, *entitled "An Act to provide for the Settlement of the Accounts of Myron Holley, late Canal Commissioner."*

Passed April 17, 1826.

P Rogers appointed agent of the state

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Pelatiah Rogers, of the county of Monroe, be and he is hereby appointed agent of this state in relation to the estate and property situated in the village of Brockport, in the town of Sweden and county of Monroe, conveyed by a certain deed, dated the eighth day of December, in the year one thousand eight hundred and twenty-five, made between the said Myron Holley and others, and the commissioners of the canal fund of the state of New-York, and recorded in the secretary's office, whereby the said Myron Holley and the other parties to the said deed, of the first part, released and conveyed to the said commissioners of the canal fund, in trust for the people of this state, all the estate, right, title and interest of the said parties to the said deed of the first part, of, in and to certain pieces and parcels of land therein described, and thereby intended to be conveyed, as in and by the said deed, or the record thereof, may more fully appear; and the said agent is hereby authorised and empowered to do every act, matter and thing in relation to and concerning that part of the said lands, property and estate, situate in the village of Brockport, in the town of Sweden and county of Monroe, and in relation to any claim or interest which the state may have therein, or which may grow or may have grown out of the same, which the said Myron Holley or the parties to the said deed of the first part could have done before the deed or conveyance aforesaid was made, or as he the said Myron Holley, or the said parties to the said deed of the first part could now lawfully do, if the said deed had not been executed; and all sales, deeds,

conveyances, contracts, partitions and divisions of the said property, or concerning the same, which the said agent shall make and execute, shall be binding and effectual in law, as if the same had been made and executed by the said Myron Holley himself, and the said parties of the said deed of the first part, if the said deed or conveyance, or any other deed or conveyance of the said lands and premises had not been made: *Provided*, That the agent shall, in all things, and in all his actings and doings in relation to the said lands and property so conveyed as aforesaid to the commissioners of the canal fund, act in conformity to the advice and instructions of the board of commissioners of the canal fund; and that no sale, deed, conveyance, contract, agreement, division or partition of the said lands or property, or concerning the same, shall be valid, effectual or binding, unless the same be approved in writing by the said board: *And provided also*, That no sale of the interest of the state shall be made at a price less than that at which the interest of the other owners shall be sold. Proviso. Further proviso.

2. *And be it further enacted*, That the said agent be, and he is hereby authorised and empowered to sue for, recover and receive any money due or to become due and payable to the said commissioners of the canal fund, or to the people of this state, by reason of any contract, agreement or obligation made or to be made in relation to the said lands, estate and interest so conveyed as aforesaid to the commissioners of the canal fund, and upon the receipt thereof may give good and sufficient receipts and acquittances therefor; and that all money received by the said agent shall forthwith, upon the receipt of the same, be paid by the said agent into the treasury of this state, to be placed to the credit of the canal fund. Agent to sue for money due, &c.

3. *And be it further enacted*, That the said agent shall, before he executes any power or authority given to him by this act, execute to the people of this state a bond, with sufficient surety, to be approved of by the comptroller, in the penal sum of five thousand dollars, conditioned well and faithfully to execute the power and authority given to him by this act, and well and faithfully to pay into the treasury of this state all money which he may receive pursuant to the provisions of the same: *Provided*, The said agent be allowed to receive five per cent on the money received by him, for his services. To give bond. Proviso.

CHAP. 284.

AN ACT *to incorporate the Shamrock Manufacturing Company.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Charles G. Jones, Charles Buck and Elbert Herring, and all other persons who have associated, or who may hereafter associate with them, for the purpose of manufacturing cotton goods in the county of Dutchess, in the state of New-York, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by Corporation created

Style &c the name and style of "The Shamrock Manufacturing Company," and by that name, they and their successors shall and may be known and have succession for the purpose of manufacturing cotton goods in Dutchess county, in the state of New-York, and shall have power, and may be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts, judicatures and places whatsoever, in all manner of actions, suits, complants, matters and things whatsoever, and that they and their successors may have a common seal, and may alter and change the same at their pleasure; and it shall and may be lawful for the said corporation to purchase and hold such and so much real and personal estate, as shall be necessary for their convenient accommodation in the transaction of their business.

Stock 2. *And be it further enacted*, That the capital stock of the said corporation, shall be one hundred thousand dollars, and shall be divided into shares of two hundred and fifty dollars each, and shall be deemed personal estate.

Concerns how managed 3. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be conducted by five directors, who shall be stockholders in said association, and who shall be annually elected by the stockholders, by ballot, on the first Monday of May in every year, at such time of day, and at such place in Dutchess county as the directors for the time being shall appoint for that purpose: and that at such election each share shall entitle the holder to one vote; of which election, and of the time and place, the said directors shall cause public notice to be given, at least ten days prior to the election, in one or more of the public newspapers printed in Dutchess county, and in the city of New-York; and those persons who shall have the greatest number of votes at such election, shall be directors; and the said directors shall, by a majority of votes, choose one among themselves to be their president; which president and directors shall hold their offices for one year and until others shall be elected; and if any vacancy shall happen among the directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which the same shall happen, by the remainder of the directors for the time being.

Day of election 4. *And be it further enacted*, That in case it shall at any time happen, that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Transfers 5. *And be it further enacted*, That the stock of the said corporation, shall be assignable and transferrable according to such rules and regulations as the majority of directors may make and establish.

First directors 6. *And be it further enacted*, That Charles G. Jones, John Grimshaw, Elbert Herring, William Hammersly and James W. Stephens, be the first directors of said corporation, who may hold their offices till the first Monday of May, in the year one thousand eight hundred and twenty-seven; and that the directors may appoint their own time and place of meeting, and shall have power to

make, by a majority of their number, such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the property, stock and effects of the said corporation, and touching the appointment, duties and conduct of all their officers and servants employed by them, and touching all such matters as appertain to the said corporation, with power to appoint such and so many officers and servants for carrying on the business of said corporation, with such recompense and salaries as to them shall seem meet.

Duration of act

7. *And be it further enacted*, That this act shall continue and be in force for twenty-one years, and shall be deemed a public act, and shall be construed benignly and favorably for every beneficial purpose.

Responsibility

8. *And be it further enacted*, That the directors and stockholders of the said corporation, and each and every of their heirs, executors and adminstrators shall be responsible and answerable for the debts contracted or owing by the said corporation, and on all contracts made by the said corporation, or by authority thereof, during the time they are stockholders, to the amount of the stock held by them respectively, in the same manner as if the said directors and stockholders were not incorporated, or were joint-dealers or copartners, and may be sued and prosecuted, either at law or in equity, as if they were carrying on the business and concerns of the said corporation as joint-dealers and copartners, without being incorporated, any thing herein contained, or any law or usage to the contrary notwithsthstanding: *Provided*, That nothing herein contained, shall be taken or construed to prevent or hinder the said corporation from being sued and prosecuted as a corporation; and that the said corporation shall not engage in any banking or insurance business.

Proviso

Books

9. *And be it further enacted*, That no transfer of any stock in said company shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors of said company for that purpose; which book or books, shall at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any note, bill, or other evidence of debt issued by the said company, or any demand against said company, the payment of which shall have been refused; and in case any officer of said company, having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall, for every such offence, forfeit the sum of two hundred and fifty dollars, the one moiety thereof to the people of this state, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of such suit.

Bonds &c not to be issued

10. *And be it further enacted*, That it shall not be lawful for the said corporation to issue any note, bond or bill, or to issue any check, draft or order for money for the purpose of loaning the same, or to use or exercise any power not expressly granted by this act, or any power not indispensibly necessary to effect the objects of the incorporation as aforesaid, and that any violation of this section shall be deemed a forfeiture of the rights and privileges of such corporation.

One year allowed to organise

11. *And be it further enacted*, That unless the said corporation shall be organised and go into operation, within one year after the

passage of this act, then this act and the privileges hereby granted shall cease.

May be repealed

12. *And be it further enacted*, That it shall be lawful for the legislature at any time hereafter to alter, modify or repeal this act.

CHAP. 285.

AN ACT *to incorporate the New-York Atheneum.*

Passed April 17, 1826.

Preamble

WHEREAS Morgan Lewis, James Kent and George Griffin, a committee appointed by and on behalf of the New-York Atheneum, have presented a petition to the legislature, praying that the said members may be incorporated for the better cultivation of literature, science and the arts: Therefore,

Corporation created

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That all persons who now are or hereafter may become members of the New-York Atheneum, in pursuance of the constitution thereof as now established, or as it may hereafter be altered and amended, shall be, and hereby are constituted a body corporate and politic in law, by the name of "The New-York Atheneum," for the purposes and objects expressed in the preamble of this act, and for no other purposes whatever; and by that name shall have succession, and be capable of suing and being sued, pleading and being impleaded in all courts and places, and in all manner of causes, actions and complaints whatsoever; and may have a common seal, and change the same at their pleasure, and by that name and style shall be capable of taking and holding by devise or otherwise, or of purchasing, holding and enjoying to them and their successors, any real estate in fee simple or otherwise: *Provided* the same does not exceed in value, independent of improvements thereon, the sum of fifty thousand dollars; and also any goods, chattels or personal estate, that may be necessary for carrying into effect the purposes of their association, or for the safe and profitable investment of their funds; and the same at their pleasure to demise, grant, alien, and sell; and also to adopt, establish and carry into execution such by-laws or ordinances and regulations, as may be necessary and convenient for the government and management of the institution, and the same at their pleasure to repeal, alter, annul and re-enact.

Style &c

Directors

2. *And be it further enacted*, That the management and disposition of the concerns and funds of the said corporation, and of the real and personal estate that may belong to the said corporation, shall be vested in a board of seventeen directors, chosen in conformity with the constitution of the said corporation as now established, or as it may hereafter be altered and amended.

Estate not to be taxed

3. *And be it further enacted*, That no state or city tax or assessment shall be laid upon the real estate held by the said corporation, in fee simple or otherwise, while it continues to be used for literary and scientific purposes, or upon the books, apparatus or other collections thereof, employed in the cultivation of literature, science and the arts.

4. *And be it further enacted*, That this act be and is hereby declared to be a public act; and that the same shall be construed in all courts and places benignly and favorably, for every beneficial purpose therein intended; and that no misnomer or misdescription of the said corporation in any will, deed, gift, grant, demise or other instrument of contract or conveyance, shall vitiate or defeat the same, but that the same shall take effect in like manner as if the said corporation were rightfully named: *Provided* it be sufficiently described to ascertain the intention of the parties. A public act

5. *And be it further enacted*, That the legislature may at any time hereafter, modify or repeal this act. Power to repeal

CHAP. 286.

AN ACT *for the Relief of Aaron Bump.*

Passed April 17, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer pay on the warrant of the comptroller, to Aaron Bump, two hundred and ten dollars, which shall be in full for his services and sufferings in the revolutionary war.

CHAP. 287.

AN ACT *for the Relief of Howland Fish, and the Widow and Children of James Archbald, deceased.*

Passed April 17, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all the right, title and interest of the people of this state to a certain farm situate in the town of Glen, in the county of Montgomery, which was conveyed by James Archbald deceased, to John U. Smith and Caleb Stanley, and has since been conveyed to Howland Fish, by whom the same is now possessed, be, and the same is hereby released to the said Howland Fish, to his heirs and assigns forever. Sale of land confirmed to H Fish

2. *And be it further enacted*, That all the right, title and interest of the people of this state to a certain farm, whereof the said James Archbald died seized and possessed, situate in the town and county aforesaid, be, and the same is hereby released to Mary Ann, the widow of the said James Archbald, that is to say, to James Archbald junior, Patrick W. Archbald, Margaret Ann, the wife of John C. Van Alstine, and Helen Louisa, the wife of Abraham K. Reeves, and the said widow and children, shall take and hold the same estate and interest in the said farm that they respectively would or might have had, if the said James Archbald at the time of his death, had been a citizen of the United States. Title confirmed to the widow and heirs of J Archbald

CHAP. 288.

AN ACT *to incorporate the Steuben Academy in the County of Oneida.*

Passed April 17, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Phillips, Daniel M. Crowel, Russel Fuller, Henry Storm, Abram Brooks, Thomas H. Hamilton, Chester Porter, Alfred Gillit, Joseph Ingram, Obadiah Platt, Luther Guiteau, Elijah F. Willy, Samuel Sizer, Jotham Mitchell, George Brayton and all such persons as shall hereafter associate with them, shall be and are hereby constituted and declared to be a body corporate and politic, in fact and in name, by the name of

Style, &c

"The Steuben Academy," and they shall have perpetual succession, and by that name shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits and complaints whatsoever; and that they may have and use a common seal, and may change and alter the same at pleasure, and that by their corporate name, and in their corporate capacity, they may purchase, hold, enjoy, sell, lease and convey any estate real or personal for the use and be-

Proviso

nefit of the said corporation: *Provided always*, That the yearly income of such estate shall not exceed the sum of two thousand dollars.

Trustees

2. That there shall be a number of trustees not less than nine, nor more than thirteen, who shall conduct and manage the affairs of the said corporation: and that the said trustees shall be members of the said corporation, and shall be elected annually, and shall hold their offices for the term of one year, or until others are chosen in their stead.

General yearly meeting

3. That on the first Tuesday of May in each and every year, there shall be a general meeting of the members of the said corporation, at some convenient place in the town of Steuben, to be previously designated by the said corporation at its annual meeting; and at such general meeting the members of the said corporation so convened as aforesaid, shall by ballot, and by plurality of votes choose such number of trustees as they may have deemed necessary for the ensuing year, and that no person shall be entitled to vote at any such election, or for any other purpose be considered a member of the said corporation, unless he shall have paid to the treasurer, or for the use of the said corporation, the sum of five dollars, and that in all elections of trustees, the members of said corporation shall be entitled to one vote for each sum of five dollars which he

Proviso

shall have paid as aforesaid: *Provided*, That no member shall have more than ten votes: *And further*, That the first general meeting of the said corporation, for the choice of trustees, shall be held at the academy, in the town of Steuben, on the first Tuesday of May next, and it shall be lawful for the said corporation to alter the time of their annual meeting, if they shall think it expedient.

4. That the said trustees so chosen as aforesaid, shall within six days after their election, choose out of their number a president, secretary and treasurer, who shall respectively hold their offices for one year, or until others shall be chosen in their stead; the said trustees shall have power to fill all vacancies which may happen in said board of trustees until the next annual election; to make by-laws for the regulation and government of the said corporation, to manage and conduct the affairs of the said corporation, and for that purpose to take charge of, keep, use and dispose of all the property and funds belonging to the said corporation, and to employ, pay and dismiss such instructors, agents and servants as may be necessary in the management and conduct of the affairs and business of the said corporation: *Provided however*, That the said trustees shall receive no compensation for their services. Officers. Proviso

5. That the said corporation shall not engage in any other business than that of encouraging and promoting education, and the proceeds of all their funds shall be appropriated to that object and no other, and that the legislature may at any time repeal or alter this act. Education to be the sole object

CHAP. 289.

AN ACT *for the Apportionment of the Members of the House of Assembly of this State, and for the arrangement of the Senate Districts.*

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the number of members of the house of assembly hereafter to be chosen in the several counties of this state, shall be as follows, to wit: Apportionment of members of Assembly

In the county of Suffolk, two;
In the county of Queens, one;
In the county of Kings, one;
In the county of Richmond, one;
In the city and county of New-York, eleven;
In the county of Westchester, three;
In the county of Putnam, one;
In the county of Dutchess, four;
In the county of Rockland, one;
In the county of Orange, three;
In the county of Ulster, two;
In the county of Sullivan, one;
In the county of Greene, two;
In the county of Columbia, three;
In the city and county of Albany, three;
In the county of Rensselaer, four;
In the county of Schoharie, two;
In the county of Schenectady, one;
In the county of Saratoga, three;
In the county of Montgomery, three;

In the county of Washington, three;
In the county of Warren, one;
In the county of Clinton, one;
In the county of Essex, one;
In the county of Franklin, one;
In the county of St. Lawrence, two;
In the county of Herkimer, three;
In the county of Oneida, five;
In the county of Madison, three;
In the county of Oswego, one;
In the county of Lewis, one;
In the county of Jefferson, three;
In the county of Delaware, two;
In the county of Otsego, four;
In the county of Chenango, three;
In the county of Broome, one;
In the county of Cortland, two;
In the county of Tompkins, three;
In the county of Tioga, two;
In the county of Onondaga, four;
In the county of Cayuga, four;
In the county of Seneca, two;
In the county of Ontario, three;
In the county of Wayne, two;
In the county of Yates, one;
In the county of Steuben, two;
In the county of Livingston, two;
In the county of Monroe, three;
In the county of Genesee, three;
In the county of Niagara, one;
In the county of Erie, two;
In the county of Allegany, one;
In the county of Cattaraugus, one;
In the county of Chautauque, two;
In the county of Orleans, one.

Hamilton to be part of Montgomery

2. *And be it further enacted*, That for the purpose of electing members of assembly, the county of Hamilton shall be considered a part of the county of Montgomery, and each of the other counties of this state, shall separately elect the members of assembly to which they shall be respectively entitled.

Senate districts

3. *And be it further enacted*, That the senate districts of this state shall be arranged as follows: The *first* district shall remain as now established by the constitution: The *second* district shall consist of the counties of Westchester, Putnam, Dutchess, Rockland, Orange, Ulster, Sullivan and Delaware: The *third* district shall remain as now established: The *fourth* district shall remain as now established: The *fifth* district shall remain as now established: The *sixth* district shall consist of the counties of Otsego, Chenango, Broome, Cortland, Tioga, Tompkins and Steuben: The *seventh* district shall remain as now established: The *eighth* district shall consist of the counties of Livingston, Monroe, Genesee, Orleans, Niagara, Erie, Allegany, Cattaraugus and Chautauque.

Circuits

4. *And be it further enacted*, That the several circuits of this state, shall correspond with, and be the same as the senate districts,

as established by this act; and that the judges of the said circuits respectively, are hereby authorised and directed to make such alterations in the times of holding their respective circuits, and of their terms of their respective equity courts, as shall be necessary to enable them to perform their respective duties.

CHAP. 290.

AN ACT *to incorporate the New-York Harlaem Spring Water Company.*

Passed April 18, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Anson G. Phelps and James Renwick, and their present and future associates, their successors and assigns be, and they are hereby created a body corporate and politic, for the purpose of supplying the city of New-York with pure and wholesome water, and for no other purpose whatever, by the name of "The President and Directors of the New-York Harlaem Spring Water Company," and are hereby ordained, constituted and declared to be for ever hereafter a body politic and corporate, in fact and in name, and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure, and also, that they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of said corporation: *Provided*, That the real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Style, &c

Proviso

Stock

2. *And be it further enacted*, That the capital stock of said corporation, shall not exceed five hundred thousand dollars, and that a share in said stock shall be fifty dollars; and that in pursuance of the charter of said corporation, books of subscription shall be opened by or under the direction of the directors hereinafter named, or a majority of them, and they shall have power to examine, survey and secure locations, and to make such preliminary agreements as they may deem necessary to protect and promote the interest of the corporation; and that previous public notice, mentioning the time and place of opening the books of subscription, shall be given in at least two of the daily public newspapers in the city of New-York, for at least eight days, and that the books shall be kept open until the whole amount of stock shall have been subscribed.

Concerns how to be managed

3. *And be it further enacted*, That the stock, property and concerns of the said company, shall be conducted and managed by thirteen directors, who shall be stockholders and citizens of the state of New-York, which directors shall hold their offices for one year from the second Tuesday in January, in every year, and that the election

of directors shall take place on the first Tuesday in January in every year, at such time of the day and at such place within the city of New-York, as a majority of the board of directors for the time being shall appoint; and public notice shall be given by the said directors, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York; and the said election shall be made by such of the stockholders as shall attend for that purpose in their proper persons or by proxy; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors; and if it shall happen at any election, that two or more persons have an equal number of votes, in such a manner that a greater number of persons than thirteen, shall by plurality of votes, appear to be chosen as directors, then the said stockholders hereinbefore authorized to vote at such election, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of thirteen; and the said directors as soon as may be after their election, shall proceed in like manner to elect by ballot, one of their number to be president; and if any of the directors so to be elected, shall at any time remove out of the state of New-York, or cease to be a stockholder, the office of such director or directors shall be considered vacant; and if any vacancy or vacancies shall at any time happen among the directors by death, resignation, removal or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint: and Joseph S. Brainerd, Anson G. Phelps, James Renwick, Daniel Robert, Cornelius Purdy, Joseph Bulkley, Enoch Wiswall, Anthony Arnoux, Horace Holden, Francis Price, Henry Warrall, Amasa Wright and Charles Starr, are hereby appointed the first directors, who shall severally hold their offices until others shall be legally appointed in their stead, and that the major part of said directors shall form a board for the transaction of business.

First directors

Meetings

4. *And be it further enacted*, That the directors shall have power to appoint the time and place of all meetings for the dispatch of business, to appoint all such officers, agents and servants as they shall deem necessary for carrying into effect the powers by this act vested in the said company, and to establish rules and regulations for and concerning the conduct and government of such officers, agents and servants.

Day of election

5. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election for directors.

Stock transferable

6. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate, and shall be assignable and transferable; and that no transfer of stock in said company shall be valid until such transfer shall have been registered in a book or books to be kept by the directors of the company for

that purpose, which book or books shall at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any demand against said company, the payment of which shall have been refused; and in case any officer of said company having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of two hundred and fifty dollars, the one moiety thereof to the people of this state, and the other moiety to him who shall sue for the same, by action of debt, in any court of record, together with the costs of such suit.

By-laws

7. *And be it further enacted*, That it shall be lawful for the president and directors of such company, from time to time to make and establish such by-laws and ordinances as they may think fit and proper, and as may be consistent with the constitution and laws of this state and of the United States, for conducting and managing the affairs of the said company, and for conducting and preserving the said works and every of them, and for conveying, employing, distributing and disposing of the water so to be conducted as aforesaid, and for carrying into effect all the objects and purposes of the said incorporation; and may also agree with the corporation of the city of New-York, the inhabitants of the said city, and others choosing to take or use the said water, regarding the rates at which the same shall be paid for: *Provided*, That the said company shall not convey to said city, any water unless it be from wells, nor from any well unless it be from Harlaem Commons, or such other high grounds north of seventy-fifth street in said city, where the bottom of such well or wells shall be at least twenty feet above tide-water; and that said company shall in all its operations in procuring and conveying water, be confined to York island.

Proviso

Calls

8. *And be it further enacted*, That it shall be lawful for the said directors to call and demand from the stockholders respectively, all such sums of money by them subscribed, or to be subscribed, at such times and in such proportions as they shall see fit, under pain of forfeiture of their shares, and of all previous payments thereon, to the said president, directors and company.

Penalties

9. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said works, or any pipe, conduit, fountain, water-course, reservoir, plug, cock, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened or injured, the person or persons so offending, shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of suit, and by action of debt, in the supreme court of judicature of this state, which action shall in every instance be considered transitory in its nature, and may be triable in any county in this state.

Banking prohibited

10. *And be it further enacted*, That it shall not be lawful for the said company to carry on any banking business, or to issue any notes, bills, bonds or checcks for the purpose of loaning the same, or to discount any note, bill or check whatsoever, or to purchase, sell or receive in hypothecation any stocks of the United States or of this state, or of any incorporated company whatever.

Responsibility

11. *And be it further enacted*, That the stockholders of the said corporation shall be holden in their individual capacities, responsible, jointly and severally, for the payment of all debts contracted by the said company, to the nominal amount of the stock held by such stockholders respectively, and any person having any demand against the said company, may sue any stockholder singly, or any two or more stockholders thereof jointly, and recover in any court having cognizance thereof: *Provided*, Such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused: *And provided also*, That the said company shall be liable to be prosecuted as a corporation for any such demand.

Proviso

A public act

12. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favourably construed for all the purposes therein expressed and declared, in all courts and places whatsoever.

Operations when to be commenced

13. *And be it further enacted*, That all the rights and privileges granted by this act, shall be deemed forfeited, and the act annulled on the first day of March next, unless the said company shall, previous to that time, have commenced operations in good faith, for the attainment of the object contemplated by this act.

Stock not to be sold above par for one year

14. *And be it further enacted*, That no sale of any share or shares of the stock of this corporation, shall be made at any price above the par value thereof, within one year from the passage of this act, under the penalty of two thousand dollars for every offence against this section, to be recovered by any person who will sue for the same in his own name, in any court having cognizance thereof.

Right to repeal

15. *And be it further enacted*, That the legislature may at any time hereafter, alter, modify or repeal the whole or any part of this act.

CHAP. 291.

AN ACT *for the Relief of David Austin and George V. Hazard, late Trustees of School District No.* 4, *in the Town of Milo, in the County of Yates.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the trustees of school district number four, in the town of Milo and county of Yates, shall and they are hereby required to cause to be assessed and collected, on the taxable inhabitants in said district, the sum of seventy-five dollars, in the same manner as other taxes for building school houses under the act for the support of common schools, are directed to be levied and collected, exclusive of collection fees; and the said trustees or their successors are hereby required to pay the said sum of seventy-five dollars, when so collected, to David Austin and George V. Hazard, or their executors or administrators, which said sum is hereby declared to be in full for the money paid and services rendered by the said David Austin and George V. Hazard, in defend-

ing the said school district against the claims of Benedict Robinson, Robert Buckley and Rowland Embree, former trustees of said district.

CHAP. 292.

AN ACT *for the Relief of the Trustees of the First Congregational Society in the Town of Bridgewater.*

Passed April 18, 1826.

WHEREAS the trustees of the first congregational society in the town of Bridgewater did, on the second day of August, one thousand eight hundred and twenty-three, sell and convey to John Smith, of Paris, a certain piece of land, with the appurtenances thereunto belonging: Now, therefore,

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sale and conveyance aforesaid shall be valid, and of the same force in law, as it respects the rights of the contracting parties, as if the trustees aforesaid had been duly authorised to sell and convey said real estate, at the time of said sale and conveyance: *Provided*, The chancellor or the circuit judge of the fifth circuit shall be satisfied that such sale was made in good faith, and that the purchase money thereof has been duly secured; and on filing an order of the chancellor or said circuit judge, approving such sale, in the office of the register of chancery, or in the office of the clerk of the equity court of the fifth circuit, the same shall be valid as aforesaid, but not otherwise.

CHAP. 293.

AN ACT *to continue in force the Act for the Relief of the Eye Infirmary of the City of New-York.*

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the act, entitled "An act for the relief of the eye infirmary of the city of New-York," passed April 12th, 1824, be, and the same is hereby continued in force for the term of five years from the twelfth day of April instant, except the proviso contained in the first section of the said act, which is hereby repealed; and that the directors of the said infirmary shall account to the regents of the university for the expenditure of the money hereby appropriated, and shall annually report to the said regents the state of the institution. Act continued for 5 years

2. *And be it further enacted*, That the legislature may, at any time, repeal or modify this act, and the act hereby amended. Right to repeal

CHAP. 294.

AN ACT *to incorporate the Crooked Lake Steam-Boat Company.*

Passed April 18, 1826.

Preamble

WHEREAS Dugald Cameron, John Magee, William Hastings, Samuel S. Ellsworth, Abraham Wagener and their associates, have signified their intention to build a steam boat for navigating the crooked Lake, and have prayed to be incorporated to enable them more effectually and with greater facility to manage and conduct the affairs and concerns of the said company: Therefore,

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said Dugald Cameron, John Magee, William Hastings, Samuel S. Ellsworth, Abraham Wagener, and such persons as have or shall be associated with them for the purpose of navigating a steam-boat on the waters of the crooked lake, and their successors and assigns, for and during the term of twenty-one years from and after the passing of this act, be and they are hereby ordained, constituted and declared to be a

Style, &c

body corporate in fact and in name, by the name and style of "The Crooked Lake Steam-Boat Company," and by that name they and their successors, for and during the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "The Crooked Lake Steam-Boat Company," shall in law be capable of purchasing and holding any lands, tenements, hereditaments, or real and personal estate, necessary for the objects of this incorporation.

Stock

2. *And be it further enacted*, That the capital stock of said company shall not exceed five thousand dollars, to be divided into five hundred shares of ten dollars each; and that the said stock shall be deemed and considered personal estate, and be transferable.

Concerns how managed

3. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by seven directors, being stockholders, which directors shall hold their offices from the first Monday in April in every year, and shall be elected on the first Monday in March in every year, at such time and place, in the village of Bath in the county of Steuben, as a majority of the said directors, for the time being, shall appoint, and public notice thereof shall be given by the said directors, not less than twenty days previous to the time of holding the said election, by an advertisment to be inserted in a public newspaper, printed in the said village of Bath, and one in the village of Penn-Yan, in the county of Yates; and said election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy; and each share of stock shall entitle the holder to one vote; and all elections for directors shall be by ballot, and the seven persons who shall have the greatest number of votes, shall

be the directors for the ensuing year, and shall continue in office until other directors are chosen in their stead; and if it shall happen that at any election two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a major part of them, shall proceed by ballot, and by plurality of votes, determine which of the said persons so having an equal number of votes, shall be the director or directors of said company, so as to complete the whole number; and the directors elected, as soon as may be thereafter, shall proceed in like manner, to elect by ballot one of their number who shall be their president; another of their number who shall be their secretary, and another of their number who shall be their treasurer; and if any director shall cease to be a stockholder, his office shall be considered as vacant; and whenever any vacancy or vacancies shall happen among the directors, or in either of the offices of president, secretary or treasurer, by death, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them shall appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of said company may provide: *And further*, That Dugald Cameron, John Magee, James G. Higgins, William Hastings, Samuel S. Ellsworth, Abraham Wagener and William Babcock, shall be the present directors, and shall hold their offices respectively, until the first Monday in April, which will be in the year of our Lord one thousand eight hundred and twenty-seven, and until other directors shall be chosen. First directors

4. *And be it further enacted*, That subscription books for the capital stock of said company shall be opened under the direction of the directors herein above named, on the first Monday in June in this year; and shall be kept open until the whole amount of the said stock, or such number of shares thereof shall be subscribed for, as in the opinion of the said directors, or a majority of them, will be sufficient to complete, furnish and put in operation one steam-boat; and every subscriber at the time of subscribing shall pay unto either of the said directors the sum of five dollars for each share so subscribed; and after such sum as may be deemed sufficient as aforesaid shall be subscribed, the books, money and papers shall be delivered to the president of the said company. Subscriptions.

5. *And be it further enacted*, That the president and three of the said directors for the time being, shall form a quorum for the transaction of business, and shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the government of the said company, the management and disposition of the stock, business, property, estate and effects of the said company, the duties, conduct and compensation of the officers, masters, commanders, engineers, mariners, servants, agents, clerks and workmen, employed by the said company; the election of directors, and all such other matters as may appertain to the concerns of the company; and shall also have power to employ and appoint so many officers, clerks, servants and agents for carrying into execution the objects of the said company, and with such salary and allowances as to them shall seem meet: *Provided*, Quorum

That such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States, or of this state.

Transfer of stock

6. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose: *And further*, That all such transfers of stock shall be made subject to the debts or demands due from the transferer to the said company at the time of making the transfer.

Day of election

7. *And be it further enacted*, That in case it shall at any time happen, that an election of directors shall not be made on any day, when, pursuant to this act, it ought to have been made, the company shall not for that cause, or for any nonuser, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election for directors, in such manner as shall be provided by the laws and ordinances of said corporation.

Liabilities for lost goods

8. *And be it further enacted*, That nothing in this act contained shall be construed to exonerate the respective stockholders for the time being, from being liable to the owners of any goods, wares and merchandize, produce or articles which may be carried on freight, in the steam-boat of said company, for any loss or damage happening to such goods, wares and merchandize, but that the said stockholders shall be liable to be sued as common carriers for any such loss or damage, as if this act had never been made.

Responsibilities

9. *And be it further enacted*, That notwithstanding the said company is hereby incorporated, and notwithstanding any thing herein contained, the members and stockholders of the said company, including the directors, shall be answerable and responsible in all respects, upon all express contracts made by the said corporation or by their said directors, or by their agents or servants, lawfully authorised, and may at all times be sued and prosecuted, either at law or in equity, as if this act had not been passed; and the said stockholders and directors shall also be answerable and responsible upon all implied contracts, and for all acts of mal-feasance, mis-feasance or non-feasance of the said company, or by the directors, agents or servants thereof, lawfully authorised, as if the said company were not incorporated, and as if this act had not been passed; any law or usage to the contrary notwithstanding: *Provided*, That nothing herein contained shall be taken to exempt, hinder or prevent the said company from being sued or prosecuted either in law or equity, as a corporation by any person or persons having cause of suit, who may elect to sue and prosecute said company.

A public act

10. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed for all the purposes therein expressed and declared, in all courts and places whatsoever.

Banking prohibited

11. *And be it further enacted*, That it shall not be lawful for the said corporation to engage in any banking business, or to discount any evidence of debt, or to issue any note, bond or bill, or to issue any check, draft or order for money for the purpose of loaning the same, or to use or exercise any power not expressly granted by this act, or not indispensibly necessary to the execution of such powers, and any violation of the provisions of this section shall be deemed a forfeiture of all the rights and privileges conferred by this act.

12. *And be it further enacted*, That unless the corporation hereby created shall be organised by the choice of directors, and shall go into operation in good faith within one year after the passage of this act, then this act and the rights and privileges hereby granted shall cease and become null and void. To be organised in one year

13. *And be it further enacted*, That the rights and privileges hereby granted shall be deemed to be taken, subject to the right of the legislature hereafter, to alter, modify or repeal the same; and also subject to the right of either house of the legislature at any time to require from the officers of the said corporation an account of their receipts and expenditures, and of any transactions of the said company or its officers. Power to repeal

CHAP. 295.

AN ACT *to amend an act, entitled "An Act relative to the duties and powers of Supervisors, and for other purposes," passed April* 20, 1825.

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the third section of the act, entitled "An act relative to the duties and powers of Supervisors, and for other purposes," passed April 20th, 1825, be, and the same is hereby repealed. Section repealed

2. *And be it further enacted*, That it shall be the duty of the clerk of the board of supervisors in each of the counties in this state, to designate upon every account made out in the manner prescribed in the second section of the act hereby amended, and upon which any thing shall be audited and allowed by the board of supervisors, of which he is clerk, the amount so audited and allowed, and the charges for which the same was allowed in each such account; and to keep all such accounts and charges on file in his office, and open to the inspection of every person who may wish to examine the same, at all reasonable times; and it shall be the further duty of the said clerk to make out and deliver to any person demanding the same, a certified copy of any accounts so kept on file in his office, on receiving from such person six cents per folio for every folio of one hundred and twenty-eight words contained in the copy of the accounts so demanded. Accounts

CHAP. 296.

AN ACT *to improve the Navigation of the Outlet of Lake George.*

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Jeduthan Case, Levi Wilcox, John Curtis and Beers Tomlinson, and their associates, shall be, $15,000 may be raised by subscription

and hereby are authorised to raise by voluntary subscription, a capital, not exceeding the sum of fifteen thousand dollars, to be divided into shares of twenty-five dollars each, and to construct and sustain a substantial dam across the outlet of lake George, below the lower falls, of a sufficient height to keep the marshes in the vicinity thereof, constantly overflowed with water; and also to construct and sustain a substantial wooden lock in the said outlet at the said dam, at least ninety feet long and fifteen feet wide, with suitable gates to afford an easy and convenient passage for boats up and down the said outlet, for and during the term of twenty-one years: *Provided* said dam shall not be constructed without the consent of those persons whose land or lands shall be subject to be overflowed by reason thereof.

Proviso

Subscription books

2. *And be it further enacted*, That Jeduthan Case, Levi Wilcox and Beers Tomlinson, be, and they are hereby appointed commissioners to open books for receiving subscriptions to the said capital stock, at the dwelling house now or lately occupied by Pliny Pierce, in the town of Ticonderoga, in the county of Essex, for the space of two days from the eighteenth day of June next; and that it shall be the duty of the said commissioners to give not less than thirty days previous notice of the opening of the said books, in the newspaper published by the printer to this state, and by affixing copies of such notice to the outer door of the court-house in the said county of Essex.

Payments

3. *And be it further enacted*, That the subscribers to the said capital stock, shall pay to the said commissioners at the time of subscribing, the sum of five dollars on each share subscribed, and that in case of an excess of subscriptions, it shall be the duty of the said commissioners to apportion the shares rateably amongst the subscribers, and if such apportionment cannot be made without producing fractions of shares, the fractions shall be formed into entire shares and drawn for by lot, by the commissioners in the names of the subscribers respectivly, and that when the said apportionment shall be completed as aforesaid, the said commissioners shall issue certificates under their hands to each subscriber, specifying the number of shares to which he is entitled of the said capital stock, upon payment of such sum as may remain unpaid upon each share at such time or times, and in such proportions as the said commissioners or their successors in office shall from time to time call for, within sixty days after notice of such call upon pain of forfeiting his share or shares, and all previous payments made thereon.

Concerns how managed

4. *And be it further enacted*, That for the purposes contemplated by this act, the business and concerns of the said associates, shall be conducted and managed by the said commissioners or their successors in office, under the name and style of the commissioners of the lake George outlet lock navigation association, who are authorised to sue and be sued, defend and be defended against, by that name and style, touching and concerning any matter relating to the said association in any court whatever.

Election

5. *And be it further enacted*, That the commissioners above named shall continue in office until the first Tuesday in January next, and for twenty days thereafter, and that on the first Tuesday in January or within twenty days thereafter yearly, and every year while this act continues in force, it shall be the duty of the holders

of shares of the said capital stock, to elect three commissioners to conduct and manage the business and concerns of the said association during the then next ensuing year; and that it shall be the duty of the said commissioners, or any two of them, to give notice in writing of the time and place of holding such elections, and to preside thereat, and declare the persons who shall be duly elected.

Dam & lock when to be finished

6. *And be it further enacted*, That the said associates shall within two years after the passing of this act, cause the said dam and lock to be completed in a substantial and workmanlike manner, and shall keep the same in good order and repair; and shall at all times keep a suitable person in attendance at the said lock to open the same for the passage of boats when required, upon pain of forfeiture of all the rights and privileges vested in them by this act.

Rates of toll

7. *And be it further enacted*, That the said lock keeper shall have a right to demand and receive from every boat or raft passing through the said lock such amount of toll as shall be fixed from time to time by the judges of the court of common pleas of the county of Essex, after the said dam and lock are completed and finished in conformity with the provisions of this act, before such boat shall be allowed to pass through the said lock, to be paid to the said commissioners for the time being, whose duty it shall be on the last Tuesday of November yearly, and every year, to meet at the toll house at the said lock, to adjust and settle the accounts of the said association, and declare and pay over the dividend to which each of the subscribers to thesaid capital, or his assignees, may be entitled.

Penalty for obstructing the creek

8. *And be it further enacted*, That if any person or persons shall hereafter throw any slabs, wood, logs, trees, brush, buts, or any other materials whatsoever, into the said creek or outlet, which shall tend to obstruct, and the effect of which shall be to obstruct the navigation or free passage of the said stream or outlet, such person or persons shall for every such offence forfeit and pay the penalty of three dollars, to be sued for and recovered in an action of debt, in any court of competent jurisdiction; the one half to the use of the person who shall sue for and recover the same, and the other half to be paid over to some proper person to be appointed by the judges of the court of common pleas of the county of Essex, and to be appropriated under the direction of the said judges, in removing any such obstructions.

A list of the stockholders to be kept

9. *And be it further enacted*, That it shall be the duty of the said commissioners to keep or cause to be kept at the said toll house or other office of the said company or association, a book containing the names and places of residence of all the holders of stock in the said company or association; which said book shall be at all reasonable hours open to the inspection of any person wishing to examine the same; and all persons holding stock in the said company or association, shall be liable as joint partners for all debts due and owing from the said company, for all claims against the said company, for damages done to any person or persons, by means of the erection of the said dam, or the flowing of any lands caused thereby, or any other injury for which any action or right of action may accrue to the person injured, for all which said damages or injuries, the said company or association shall be liable as aforesaid.

May be repealed

10. *And be it further enacted*, That all the rights and privileges conferred by this act shall be deemed to be taken, subject to the right of the legislature to alter, modify or repeal the same, or to alter, regulate, prescribe and limit the tolls to be received at the said lock.

CHAP. 297.

AN ACT *to amend the act entitled "An Act to enable Resident Aliens to take and hold Real Estates, and for other purposes," passed April* 21, 1825.

Passed April 18, 1826.

Certain aliens to hold land

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That any alien who hath purchased any real estate within this state, before making and filing the deposition or affirmation required by the act hereby amended, shall continue to hold the same according to the provisions of the said act: *Provided*, Such alien shall, within one year after the passing of this act, make and file such deposition or affirmation, as is required in said act.

Proviso

In case of the death of aliens

2. *And be it further enacted*, That every grant, devise, contract or mortgage, made and executed by any alien, after having made and filed the deposition or affirmation mentioned in this act, or the act hereby amended, and who shall die within six years after making and filing such deposition or affirmation, being an inhabitant of the United States, shall be deemed and considered as valid and effectual, as if such grant, devise, contract or mortgage had been made by a citizen of this state; and when such alien shall die as aforesaid, intestate, seized of real estate, leaving issue or heirs inhabitants of this state or of the United States, such issue or heirs, shall take and hold such estate, by descent, in the same manner as they would have done, had such alien at the time of his death, been a citizen of this state.

Certain titles confirmed

3. *And be it further enacted*, That the title of any citizen of this state to any lands or real estate, within this state, heretofore conveyed, or hereafter to be conveyed in pursuance of any written contract for the sale thereof now existing, shall not be questioned, impeached or defeated, by reason of such title having been derived by, from or through an alien.

J. Bidan and others

4. *And be it further enacted*, That John Bidan, of the county of Monroe, and Robert Middleton, of the county of Jefferson, and Jose Xifre, of the city of New-York, are respectively authorised to hold and convey any real estate heretofore purchased by them, and to take and hold other real estate within this state, by purchase, descent or devise; and to devise, convey or mortgage the same, without making the deposition or affirmation required in and by the act hereby amended; and in case either of the said persons shall die intestate, seized of any real estate, such estate shall descend to, and vest in such person or persons, being inhabitants of this state, as would be entitled thereto, had such intestate been a citizen of this

state: *Provided*, That the said John, Robert or Jose, shall not at one time, take or hold more than five hundred acres of land. Proviso

5. *And be it further enacted*, That it shall and may be lawful for Henry Hall Joy, of the city of London, to take and hold any lands, tenements and hereditaments, in township number thirteen, in the first range of townships, in the county of Wayne; and to sell, grant and convey the same in like manner as citizens of this state might or could take, hold and convey the same; and that no title to any lands in said township, shall be escheated, impeached or defeated by reason of the alienage of Michael Joy, late of the city of London, deceased, or the said Henry Hall Joy: *Provided always*, That nothing herein contained, shall be so construed as to impair or prejudice the rights or interests of any person or persons, claiming an interest in any of the said lands, as purchasers thereof by deed or contract, executed by Benjamin Joy, of the city of Boston, who was the agent and trustee of the said Michael Joy, and now is the agent and trustee of the said Henry Hall Joy: *And provided also*, That nothing herein contained, shall be so construed as to confer on the said Henry Hall Joy, any rights appertaining to a citizen of this state, except that of taking, holding and conveying any of the said lands in manner aforesaid. H. Hall Joy

6. *And be it further enacted*, That John B. M. Lafoy, John Horspool and Sarah Horspool his wife, Moses Henriques, David Henriques, Joseph Henriques, Charles Burney, Thomas Vaux, Jeanne Dulux, Robert Sharp, Robert Thompson, Charles Carroll, Gertrude Vultee, Joseph McMurray, William Thompson, Sarah Letts, John Ferdinand Castle Rotto, Benjamin Perry, William Jackson, Paul McKenney, Thomas Ewbank, John Griffiths, Andreas Parmentier, Samuel Mann, William Tomlinson, James McKibben, James Logan, Thomas Lambden, Horace Stevenson, Elizabeth Mann, Mary Sarah Sanford, wife of Charles W. Sanford, of the city and county of New-York; Andrew Parmentier, Joseph P. Clohecy, John Murray, John Johnson, John Gopsill and Matthew James, of the county of Kings; Robert Gilmer, and Peter Strongitharnes, of the county of Dutchess; George Meartell, John Delvin, James Drowley, William Bigg, Michael Murphy, Peter McCabe, John Bailey, Robert Disney and Henry Miles, of the county of Oneida; Joshua Lind and Allen Armstrong, of the county of Jefferson; Ann Kearn, wife of John Kearn, and Margaret McIntosh, wife of James McIntosh, of the county of Madison; John McGough, Job Hall and James Watson, of the county of Orange; James Brown, of Greene county; Robert McManus, of Schenectady, Augustin Rayner, of Erie county; Isaac Keeling, of Otsego county; William Radcliff, Thomas Radcliff, William Radcliff, junior, David Clements, William McCutchen, of Sullivan county; Sarah Mc George, Joseph McCardle, George Rodney Hind, of Albany county; Henry Shaw, of Monroe county; Gustavus William Krugar, Thomas Ferrill, Thomas Stone, William Stone, John Stone, James Stone, Samuel Stone, of the county of St. Lawrence; William Mc Connell, of Franklin county; Peter Hutt, and Frederick Bassett, of Herkimer county; James Ireland, of Wayne county; Stephen Smith, of Saratoga county; Ellis Beers, Thomas Jennings and George Jennings, of Suffolk county; George Anderson, of Chautauque county; James V. Storey, of Rensselaer county; William J. B. M. Lafoy and other aliens authorised to hold real estate

Fulton, of Ulster county; Peter Murphy, of Onondaga county; Augustus Gustavus Windall, of Herkimer county; Joseph Wheelon, of Montgomery county; William Tilfair Gifford, of Greene county; Charles Mathews, Joseph Graham, Thomas Graham, George Graham, of the city of New-York; Mary Ann Mathews, George Jeb Matthews, Joseph Cusino, Patrick Ryan Hustings and Alice his wife, shall be, and are hereby respectively enabled to take real estate within this state, either by devise, descent or purchase, and to hold the same and dispose thereof, in the like manner as natural born citizens; and that the title to any lands, tenements or hereditaments, heretofore purchased or acquired as aforesaid, by any of the above named persons, shall not be impeached or defeated by reason of his, her or their alienage; but the same is hereby vested in each and every of the said persons, his or her heirs and assigns, in like manner as if he or she had been a citizen of this state; and in case any or either of the before named persons hath heretofore devised, sold or conveyed, all or any part of such lands or tenements, to any citizen of this state, or of the United States, such devise, sale or conveyance, shall not be impeached or defeated by reason of his or her alienage, but the same is hereby declared to be as valid and effectual as if the same had been made by a citizen of this state: *Provided*, The quantity of land to be held by either of the above mentioned persons, residing elsewhere than in the city and county of New-York, shall not exceed two thousand acres; and the value of the land or real estate, of any of the persons above mentioned, and residing in the city and county of New-York, shall not, at the time of purchase, exceed in value, the sum of twenty thousand dollars: *And provided also*, That in case either of the persons named in this section, shall, after the expiration of six years from the passing of this act, be alive, and not naturalized according to the laws of the United States, or shall not then be a resident, all the lands which such person may then hold, by virtue of this act, shall be vested in the people of this state, in the same manner as if this act had not been made: *Provided*, That nothing in this act contained, shall affect the title to any real estate of the people of this state, or any citizen of the United States, excepting the title which the people of this state may have by reason of the alienage of the said persons: *And provided also*, That the persons above named, shall be subject to the provisions of the fourth and fifth sections of the act hereby amended.

Proviso

CHAP. 298.

AN ACT *to increase the distribution of Monies to Common Schools.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the sum annually to be distributed by this state, among the common schools, from and after the present year, shall be one hundred thousand dollars.

CHAP. 299.

AN ACT *for the relief of Nathan A. Wells.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the treasurer pay on the warrant of the comptroller, to Nathan A. Wells, the sum of two hundred and forty-nine dollars and eighty-four cents, the same being justly due to him, for monies paid by him on lots number forty-three and forty-four, in the Brant lake tract; the same having after such payment, been conveyed to another person, by order of the commissioners of the land-office.

CHAP. 300.

AN ACT *authorising the Division of the Gospel and School Lot in the Town of Galen.*

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the supervisors and the commissioners of common schools of the towns of Galen and Savannah, in the county of Wayne, to meet at the house of Frederick Boogher, in the town of Galen, on the fourth Monday of March next, and divide the gospel and school lot of said town of Galen, or any part thereof which may then remain unsold; but if said lot be sold, then to apportion all monies, bonds and mortgages, or other securities in any wise appertaining to the same, as nearly as may be, according to the territory of each town respectively. Lot or money to be divided

2. *And be it further enacted*, That the fifth section of the act entitled "an act to divide the town of Galen in the county of Wayne," passed November 24th, 1824, be and the same is hereby repealed. Section repealed

CHAP. 301.

AN ACT *authorising Thomas Ketchum and Samuel Gouverneur to keep a Ferry across the Hudson River, from Putrock Landing in the County of Orange, to Cold Spring Landing in the County of Putnam.*

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for Thomas Ketchum of the town of Cornwall, in the county of Orange, his heirs and assigns, to set up, keep and maintain a ferry across the North or Hudson's river, from the land of the said Thom- T Ketchum may keep a ferry

as Ketchum in the said town of Cornwall and county of Orange, to Cold Spring Landing, or some convenient place near thereto, in the county of Putnam, for and during the term of ten years from and after the passing of this act.

Rates of ferriage

2. *And be it further enacted*, That the court of common pleas of the county of Orange at their next session, after the passing of this act, and as often thereafter as they shall deem it necessary, shall order, direct and determine the several rates of ferriage for crossing at the said ferry, and the hours in each day that the boats of said ferry shall be kept in readiness.

Penalties

3. *And be it further enacted*, That if the said Thomas Ketchum, his heirs or assigns, during the continuance of this act, and the time limited by said court for the boats to be kept in readiness to cross, shall unnecessarily hinder or retard any person in crossing at the said ferry, or shall refuse or neglect to cross with any person, or such goods or chattels as can be conveniently transported across the said ferry, or if the said Thomas Ketchum, his heirs or assigns, or any person employed by him or them, shall take, exact, or receive any greater or higher rates of ferriage for transporting persons, goods or chattels, or other things whatsoever, than shall be by the court of common pleas aforesaid limited or established, the person so offending shall for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs of suit, in any court having cognizance thereof, by any person who shall sue for the same.

Other ferries prohibited

4. *And be it further enacted*, That if any person or persons other than the said Thomas Ketchum, his heirs or assigns, shall, after the said Thomas Ketchum shall have furnished and provided himself with the necessary boats aforesaid, and while the same are continued, and the said court shall have determined on the rates of ferriage, transport any person or persons, goods or chattels, across the North or Hudson's river, for hire or pay, between the Crows Nest Mountain on the north, and the land heretofore ceded by this state to the United States, at West-Point, on the south, such person or persons shall for every such offence, forfeit and pay the sum of five dollars, to be recovered with costs in any court having cognizance thereof, by any person who shall sue for the same: *Provided always*, That nothing herein contained shall be so construed as to prevent any person or persons from carrying or transporting themselves, their goods, chattels or effects within the limits aforesaid in their own boats, without paying any ferriage therefor.

Proviso

Rights, when forfeited

5. *And be it further enacted*, That if it shall at any time appear to the said court upon sufficient evidence, that the said Thomas Ketchum, his heirs and assigns, shall refuse or neglect to comply with the true intent and meaning of this act, in keeping and maintaining the said ferry, it shall and may be lawful for the said court to adjudge and determine, that the said Thomas Ketchum, his heirs and assigns, have forfeited all right under this act, and therefore this act shall become void, and of no force or effect whatever.

Power to repeal

6. *And be it further enacted*, That the rights and privileges hereby granted are upon the condition that the legislature may at any time modify or repeal this act.

S Gouverneur may keep a ferry

7. *And be it further enacted*, That it shall and may be lawful for Samuel Gouverneur, his heirs and assigns, to set up, keep and maintain a ferry across the said river from Cold Spring Landing in

the county of Putnam to West-Point, Putrock, or some convenient place near thereto, in the county of Orange, for and during the term of ten years, from and after the passing of this act.

8. *And be it further enacted*, That the said Samuel Gouverneur, his heirs and assigns, shall have such rights, privileges and powers, for the purpose of setting up, keeping and maintaining the ferry hereby granted to him, his heirs and assigns, and be subject to such restrictions, penalties and provisions as are herein given to and imposed upon the said Thomas Ketchum, his heirs and assigns, and to the like orders of the court of common pleas of the county of Putnam, as are herein required and authorised of the court of common pleas of the county of Orange, in relation to the said Thomas Ketchum, his heirs and assigns. Rights and privileges

CHAP. 302.

AN ACT *for the Relief of Myron Holley, late Canal Commissioner.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the canal fund be, and they hereby are directed to lease for one year for nominal rent, to Myron Holley, late canal commissioner, all that part of the real estate conveyed to them, in trust for said state, by deed dated eighth of December last, and executed under hand and seal, by said Myron Holley, William H. Adams, John M. Holley, Mindwell P. Granger by Francis Granger, Francis Granger and John Albert Granger by Francis Granger, which is situated in the village of Lyons, in the county of Wayne, and state aforesaid, and included in the village lot, containing the dwelling-house and garden of the said Myron Holley, and measuring two acres and four rods of land, and convey to said Myron Holley, all the personal estate conveyed to them, in trust, for said state, by instrument under hand and seal, dated the seventh of December last, and executed by said Myron Holley.

CHAP. 303.

AN ACT *in addition to the "Act concerning the Court of Chancery," passed April* 10, 1813.

Passed April 18, 1826.

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall and may be lawful for the chancellor from time to time, to request the circuit judge of either of the circuits, to sit for him in his court of chancery, upon the hearing of any cause or causes in which the chancellor was before his appointment retained either as solicitor or counsellor; and Circuit judge may hear certain causes

it shall be the duty of the circuit judge when so requested, to sit for the chancellor in his court upon the hearing thereof, at such term or terms, time or times, as shall be mutually agreed upon between the chancellor and such circuit judge.

His pay

2. *And be it further enacted*, That such circuit judge shall receive for his services, from time to time, such compensation as the person administering the government shall certify to be reasonable, which shall be paid out of the treasury on the warrant of the comptroller.

CHAP. 304.

AN ACT *relating to the late Treaty with the second Christian party of Oneida Indians, and for other purposes.*

Passed April 18, 1826.

Treaty ratified

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the treaty concluded between the governor of this state and the second christian party of the tribe of Oneida Indians, on the first day of February last, for the purchase of the tract of land as particularly described in the said treaty, be, and the same is hereby approved of and ratified.

Land to be surveyed

2. *And be it further enacted*, That it shall be the duty of the surveyor-general, as soon as conveniently may be, to cause the said tract to be surveyed into suitable lots, for sale, and that he sell the same, together with the improvements thereon, in the manner directed by law for the sale of the unappropriated lands of this state.

Grant to N Davis

3. *And be it further enacted*, That it shall be the duty of the commissioners of the land-office, to issue letters patent to Nathan Davis for two hundred acres of land, in conformity with the provisions of the said treaty.

First payment on lands

4. *And be it further enacted*, That the commissioners of the land-office, on all sales of public lands hereafter to be made, shall require the payment of such part of the purchase money at the time of such sale or sales, as they may think the interest of the state may require, in reference to the value and situation of such lands and the timber thereon, which payment shall not be less than twenty-five per cent. nor more than seventy-five per cent. of such purchase money, the terms of sale and the amount required to be paid on each lot or tract, to be made known previous to the sale thereof.

Long sault island

5. *And be it further enacted*, That it shall be the duty of the surveyor-general also to cause the lands belonging to the people of this state, in the Long Sault Island in the St. Lawrence river, to be surveyed and sold as aforesaid.

Duty of comptroller

6. *And be it further enacted*, That it shall be the duty of the comptroller of this state, from time to time, to examine the bonds, mortgages and contracts on which money may be due to the people of this state, and to make enquiries relative to the value of the property and sufficiency of the security for the sum or sums due as aforesaid, and in addition to the payment of the interest, shall require the payment of such part of the principal, as he may deem necessary for the security and interest of the state.

CHAP. 305.

AN ACT *confirming the payment of certain Monies out of the Treasury for the benefit of Common Schools, and for other purposes.*

Passed April 18, 1826.

Preamble

WHEREAS the sum of eighty thousand dollars was paid out of the treasury during the year one thousand eight hundred and twenty-five, for the benefit of the common schools, although only the sum of seventy-seven thousand three hundred sixty-nine dollars and seventy-four cents was received into the treasury during the preceding year, from the revenue of the common school fund:

Payment confirmed

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the said payment be, and the same is hereby confirmed and sanctioned.

School fund how to be invested

2. *And be it further enacted*, That it shall be the duty of the comptroller to invest in the stock of any loan heretofore authorised, or which may be authorised at the present session of the legislature, the capital of the common school fund now in the treasury, or which may hereafter come into the treasury, and the commissioners of the canal fund are hereby required to issue stock for the same in the name of the comptroller for the time being, in trust for the common school fund, on the most advantageous terms that stock may be issued by them to any person or body corporate taking any part of the said loans.

Temporary use of certain funds

3. *And be it further enacted*, That if any loan as aforesaid, shall be negotiated shortly before the time for the reimbursement of the canal stock belonging to the common school fund, which will take place on the first day of October next, and the other funds of the state under the management of the comptroller, are so abundant that a part of them can be used temporarily without embarrassing the fiscal operations of the state, the comptroller may in anticipation of the reimbursment of the canal stock belonging to the common school fund, temporarily use such amount of these funds, in taking up a part of the common school fund that will be reimbursed on the first day of October next, and on the reimbursement of the stock belonging to the common school fund, he shall restore the amount thus anticipated, to the funds from which it may have been taken.

Deficiency how supplied

4. *And be it further enacted*, That whenever any deficiency shall exist in the common school fund, to satisfy any appropriation, it shall be lawful for the comptroller to supply any such deficiency out of the general funds of the state.

CHAP. 306.

AN ACT *to quiet the Title to certain Lands in the County of Ulster.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all right, title and interest which the people of this state have or are supposed to have to the following described premises, situated in the county of Ulster, bounded as follows: northerly and westerly by a tract of land granted to William Bradley and William Jevon; southerly by a tract of land granted to William Bradley, and easterly by Ann Bradley and others, be, and the same is hereby released to the several owners and occupants of the same, and that from and after the passing of this act all claims of the people of this state to the said premises shall be barred.

CHAP. 307.

AN ACT *to provide for the Purchase of Standard Weights and Measures for the Assistant State Sealer, in the City of Albany.*

Passed April 18, 1826.

Weights and measures to be bought

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the secretary of state as soon as may be after the passing of this act, to procure a set of standard weights and measures, together with a suitable scale-beam and scales, for the use of the assistant state sealer in the city of Albany.

Appropriation

2. *And be it further enacted*, That as soon as the said standard weights, measures, beams and scales shall have been procured according to the provisions of the foregoing section, the cost thereof not exceeding one hundred and fifty dollars, shall be paid to the said secretary of state, by the treasurer, on the warrant of the comptroller, out of any monies in the treasury not otherwise appropriated.

CHAP. 308.

AN ACT *for the Relief of Ruth Thurber.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That all the right and claim which the people of the state of New-York have to the personal estate and property of which William Austin died possessed, or to which he was entitled at the time of his death, is hereby ceded and relinquished to his mother, Ruth Thurber.

CHAP. 309.

AN ACT *to regulate the manner of returning Commissions to take Testimony, and to regulate the manner of empannelling Jurors.*

Passed April 18, 1826.

Court to regulate the manner of making returns

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That in all cases where a commission shall be issued to examine any witness or witnesses not residing within this state, in any suit now pending, or hereafter to be pending, in any court of record within the same, in pursuance of any statute now in force within this state, it shall be lawful for the court granting such commission to direct, in their rule granting the same, the manner and mode in which it shall be returned to the said court; and in case the parties interested therein do not agree as to the manner in which it shall be returned, it shall be lawful for the court, in their rule granting such commission, or otherwise, to direct the same to be returned by mail, addressed to the clerk of the court out of which said commission shall issue, or in case the commission shall issue out of the supreme court, then and in that case it shall, in like manner, direct the same to be returned to the clerk of the county where the trial is to be had, to be by such clerk opened and filed in his office, and subject to the inspection of the parties interested therein, without fee or reward; and every deposition so returned shall be allowed and read, and shall be deemed and taken as good and competent evidence in the cause in which it was taken.

May be returned by mail in certain cases

2. *And be it further enacted*, That in all cases where any commission has been or hereafter may be issued to examine such witness or witnesses as aforesaid, wherein the court out of which the same may have issued shall not have directed the manner in which it should be returned, as is provided by the preceding section of this act, it shall and may be lawful for any judge of the court out of which the same shall have issued, or any commissioner authorised by law to do the duties of a judge of the supreme court at chambers, in vacation, and such judge or commissioner is hereby authorised, on application made to him, to direct the manner in which such commission shall be returned to the court, in which the evidence taken by virtue of such commission is to be used; and such judge or commissioner may direct the same to be returned by mail, or otherwise, addressed to the clerk of the court out of which the same shall have issued, or to the clerk of the county in which the trial is to be had, whenever the said commission shall have issued out of the supreme court; and that the depositions returned with the said commission, in pursuance of such order, shall be deemed and taken to be good and legal evidence in the cause in which they were taken.

Repealing clause

3. *And be it further enacted*, That so much of all former acts relating to the issuing and returning of commissions, as is incompatible with this act, be, and the same is hereby repealed.

Jurors how to be balloted for

4. *And be it further enacted*, That the pieces of paper or parchment upon which the names of jurors are to be written, in pursuance of the twentieth section of the act for regulating trials of issues, and for returning able and sufficient jurors, shall be rolled or folded

up by the clerk of the court in which a jury is to be chosen, in such manner that the name shall not be visible, and after being put together in the box provided for that purpose, the said box containing the ballots shall be well shaken, immediately before the drawing of each jury; and after the jury have been drawn and sworn, the names drawn out shall be again returned to the said box, before another shall be drawn; and so much of the said twentieth section as is inconsistent herewith shall be, and the same is hereby repealed.

CHAP. 310.

AN ACT *for the Relief of Sarah Hamilton.*

Passed April 18, 1826.

Rights of the state released

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That all the right, title, claim and interest which the people of this state have, or may or can have to any lands, tenements or hereditaments in the city of New-York, by reason of the alienism of Samuel Hamilton, late of the said city, deceased, are hereby granted and released unto Sarah Hamilton, of said city, widow of the said Samuel, and to her heirs and assigns: *Provided*, That nothing herein contained shall affect any mortgage or other just claim, of any citizen of the United States, but that any such mortgage or claim shall have the same effect that it would have if the said Samuel Hamilton had been a citizen of the United States.

Rights conferred

2. *And be it further enacted*, That the said Sarah Hamilton shall be entitled to take real estate in this state, either by devise, descent or purchase, and to hold, convey and dispose of the same, in like manner as a natural born citizen, her alienism notwithstanding.

CHAP. 311.

AN ACT *relative to the Sale of Lands for the Arrears of the United States' Direct Tax of* 1814.

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That the comptroller shall examine the entries in the books of his office for the United States' direct tax; and in all cases where the lands upon which it was assessed are not described, or are described so imperfectly that an effective conveyance cannot, in his opinion, be given to the purchaser on any sale that may be made thereof, he shall not sell such lands at the present sale of lands for taxes, but the sale of such lands shall be, and is hereby postponed until the first Monday of May, one thousand eight hundred and twenty-eight, any law to the contrary hereof notwithstanding; and in the mean time, it shall be the duty of the comptroller to obtain such additional description of the said lands, from the United States' collectors and principal assessors in the several

counties of this state, as may be in his power, and to draw upon the treasurer for all expenses which he may necessarily incur in obtaining such additional information.

CHAP. 312.

AN ACT *for the Relief of the Heirs and Devisees of John Stiles, late of the County of Philadelphia, in the State of Pennsylvania, deceased.*

Passed April 18, 1826.

H Stiles authorised to execute deeds

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Henry Stiles, acting executor of the last will and testament of the said John Stiles, deceased, be and he is hereby authorised to execute conveyances of, and to convey and grant all such property as the said John Stiles had entered into contracts and agreements for selling in the county of Broome, to the person or persons holding such contracts, upon payment of any balance that may be due on the same, and that the said Henry Stiles pay over the same to the person or persons entitled thereto: *Provided*, That no such conveyance shall convey any other or greater interest than is agreed to be conveyed in such contract.

To be binding on John Stiles' heirs

2. *And be it further enacted*, That the conveyances made in pursuance of the preceding section of this act shall be binding and obligatory on the heirs and devisees of the said John Stiles, deceased, who have an interest in said lands, and as valid and effectual as if they were parties to such conveyances.

CHAP. 313.

AN ACT *authorising the Clerks of the several Counties of this State to make a General Index of all Deeds and Mortgages recorded in said Counties.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That it shall be the duty of the clerks of the several counties of this state, whenever directed by the court of common pleas of any county, to provide proper books for making general indices of all deeds and mortgages recorded or registered in the clerk's office of said counties respectively, and to index, in alphabetical order, all such deeds and mortgages, in such manner as shall afford a correct and easy reference to the several books of record in said offices, one of which indices shall contain, in alphabetical order, the names of grantors or mortgagors, followed by the names of all their grantees or mortgagees; and the other shall contain in like order, the names of all the grantees or mortgagees, followed by the names of their grantors or mortgagors; which indices of deeds and of mortgages shall be entered in separate books, and also

to leave sufficient room in such books to insert the names of other grantors and grantees, mortgagors and mortgagees, from time to time; and when the said indices shall be so completed, the boards of supervisors of said counties shall audit and allow to the said clerks all monies they may have expended in purchasing said books, and twenty-five cents for each and every hundred names contained in said indices: *Provided*, That this act shall not extend to any counties where such indices are already provided, or to the city and county of New-York.

CHAP. 314.

AN ACT *relative to the Canals.*

Passed April 18, 1826.

BE it enacted by the People of the State of New-York, represented in Senate and Assembly, That,

Superintendents of repairs

1. The board of canal commissioners shall appoint so many superintendents of repairs upon the canals as they shall think proper, and regulate ad establiseh their daily or monthly compensation according to the services performed by them, including all their expenses.

Their duty

2. It shall be the duty of the said superintendents, under the direction of the canal commissioners, to keep in repair the sections of canal committed to their charge, and their accounts for disbursements shall be certified by the canal commissioners, or one of them, and paid on the warrant of the comptroller.

May be removed

3. Either of the acting canal commissioners may remove any of the said superintendents, and fill the vacancy occasioned by such removal, until the next meeting of the said board.

Canal board

4. There shall be a canal board, to consist of the canal commissioners, and the commissioners of the canal fund.

To regulate tolls

5. The canal board shall have power to regulate the tolls to be collected on the canals, and to appoint the collectors of tolls.

Collector

6. Collectors of tolls shall hold their offices for one year, unless sooner removed.

To keep accounts

7. The said collectors shall keep accounts of tolls received by them, in such form as shall be prescribed from time to time by the comptroller, and shall deposit such original books of account in the comptroller's office, on or before the last day of December in each year.

Duplicates

8. The said collectors shall also make duplicate abstracts, showing the amount of tolls received by them each day, and transmit by mail to the comptroller one of said abstracts weekly, and deliver the other to the agent of the comptroller, hereinafter mentioned.

Deposits

9. The said collectors shall deposit the monies received by them for tolls to the credit of the treasurer of this state, at least once in two weeks, in such of the banks as may from time to time be designated by the canal board, as near to the collectors as may be convenient.

Their pay

10. The said collectors shall receive such compensation for their services as shall be allowed by the canal board.

11. The comptroller shall require the several banks so designated as aforesaid, to transmit to him by mail a monthly account of deposits by the collectors of tolls, and in default of their compliance, or in case he shall suspect the insolvency of any of said banks, may direct such deposits to be made in such other bank as he shall designate. Monthly accounts

12. The said collectors may be authorised to refund tolls erroneously paid to them, or which equitably ought to be refunded, under such regulations as shall be prescribed by the comptroller. To refund in certain cases

13. The said collectors shall, before entering upon the duties of their office, respectively take and subscribe the oath prescribed by the constitution of this state, and file the same in the office of the comptroller, and shall also execute and file in said office a bond for the faithful execution of their trust, in such penalty and form as shall be required by the canal board, and with such sureties as the comptroller shall approve. Oath. Bond

14. The salaries of the canal commissioners are hereby reduced to fifteen hundred dollars a year. Pay of canal comm'rs

15. The commissioners of the canal fund may take such measures as they may think proper to insure the payment of tolls by the collectors. Payments

16. The compensation allowed by this act to the persons herein mentioned, shall be paid by the treasurer, on the warrant of the comptroller, and be charged to the canal fund. Salaries how paid

17. The comptroller shall have power to remove any of the collectors of tolls at his pleasure, and to fill the vacancy occasioned by such removal until the next meeting of the canal board. Comptroller may remove collectors

18. If any collector of tolls shall neglect to deposit the monies collected for tolls, according to the provisions of this act, and the directions of the comptroller, it shall be lawful for the comptroller to issue a warrant under his hand and seal, directed to the sheriff of any county where such collector or any of his sureties may be found, thereby commanding such sheriff to cause the amount of tolls in the hands of such collector, (or such part thereof as the comptroller shall direct by such warrant,) to be made and levied of the goods and chattels, lands and tenements of such collector, and in case the same shall not be sufficient, then of the goods and chattels, lands and tenements of the sureties of such collector, and to return the money, together with such warrant and his doings thereon, to the comptroller, within sixty days from the date thereof. In case of neglect, he may issue a warrant

19. The sheriff to whom such warrant shall be directed, shall immediately cause the same to be executed, and may demand and collect the same fees for executing the same, as are allowed by law for the service of executions issuing out of the supreme court. Duty of the sheriffs

20. Whenever the sum of money received by any canal commissioner, and remaining unaccounted for, shall amount to ten thousand dollars, it shall not be lawful for the commissioners of the canal fund to advance to such canal commissioners any further sum or sums of money, until he shall have produced an account and vouchers to the comptroller, showing the expenditure of the said sum. Canal com'rs to account

21. The commissioners of the canal fund shall, from time to time, apply the surplus revenues of the canal fund, after paying the interest of the canal debt, to the purchase of canal stock of this state, Surplus revenues

if in their opinion such stock can be purchased upon advantageous terms.

22. The certificates of stock so purchased shall be cancelled by the commissioners of the canal fund.

How to be invested

23. Whenever the said commissioners shall be unable to purchase the said canal stock upon terms by them deemed advantageous to the state, it shall be lawful for the said commissioners to invest the said surplus revenues in the public stocks of the United States, or any public stock created by the corporation of the city of New-York or Albany, and from time to time to re-invest the interest or dividends upon such investments as par. of said surplus revenues.

Permanent walls

24. The canal commissioners shall construct, at every place where any waters are to be taken from any canals of the state for hydraulic purposes, except at Black-Rock, at the mouth of Tonnewanta creek, and at the locks at Lockport, a permanent wall or erection of stone laid in mortar, and cemented, of sufficient thickness to ensure the safety of the canal, and which said wall or erection shall not in any case be more than six inches lower than the top water line of the canal.

Water how to be drawn

25. All water to be drawn from any canals of the state, or from any dam erected by the state for the benefit of the canals, for hydraulic purposes, by virtue of any leases or contracts now executed, or hereafter to be executed, or from any other authority whatsoever, shall be drawn over a wall or erection constructed for that purpose, and in no other manner.

Waste gates, &c

26. No waste-gate, sluice, slide, water-gate, or other passage shall be made in connection with any wall or erection over which water is to be drawn, in such a manner that the same can be opened, or that water can be drawn by, through, or under the same, to the use of any mill or machinery using water from the canal, except at the three places above excepted.

Penalties

27. Any person who shall wilfully make, or cause to be made, any breach, hole, or passage in, through or under any such wall or erection, or who shall lower the same, or cause it to be done, for the purpose of drawing water to any mill or machinery, or the effect of which shall be to lower the water in the canal, shall, for every such offence, forfeit and pay a penalty of two hundred and fifty dollars, to be sued for and recovered, with costs of suit, in an action of debt, in any court of competent jurisdiction in this state, the one half of which penalty, when recovered, shall go to the use of the person who shall sue for and recover the same, and the other half to the benefit of the canal fund.

Water privileges

28. Every person now owning any water privilege upon either of the canals, and having the liberty of selecting the place for discharging the water, shall make such selection, and give to the canal commissioners, or one of them, notice of the place or places so selected, on or before the first day of June next; and no such person shall afterwards be at liberty to change the place of discharging such water, without the consent of the said commissioners.

How discharged

29. Every other person now owning any such water privilege, and every person hereafter purchasing any such privilege of the state, and also every person who shall neglect or refuse, within the time before limited, to make the selection and give the notice by the last

preceding section required, shall discharge the waters owned by him or them respectively, at such place or places as the canal commissioners shall direct.

Exceptions

30. No person owning any hydraulic works dependent upon the canals for their supply of water, or who shall be employed in or connected with any such works, or who shall be engaged in transporting property upon the canals, or who shall own or be interested in any boat navigating the same, shall be employed as a superintendent, lock-keeper, collector of tolls, weigh-master, or other agent upon the canals.

Sale of surplus waters

31. All notices hereafter to be given for sales of surplus waters upon any canals of the state, shall be published twice each week, for six weeks successively, in the newspaper printed by the printer to the state, and once each week, for the same time, in each of the newspapers printed in the county where the waters are to be sold, stating the time and place where the said water will be sold, which shall be in the vicinity of the place where the said water may be most conveniently used; and each privilege of using the said water shall be sold separately, at public auction, to the highest bidder therefor; and sales of the surplus waters shall be made by the order and under the direction of the canal board.

Proposals

32. All proposals for the construction or repairing of any part of any canal, for which sealed proposals are to be offered, shall hereafter be for a sum certain as the price to be paid or received; and no proposition which is not definite and certain as to the price to be paid or received, or which contains any indefinite or alternative condition or limitation as to such price or sum, shall be received or acted upon after the passing of this act, and no more than one proposition shall be received from any one person for the same contract; and in case any person shall offer more than one proposition for the same object, all propositions offered by such person shall be rejected.

Contracts.

33. No allowance shall hereafter be made to any contractor upon any contract hereafter to be made, over and above the contract price, for performing any work or labor on any canal within this state, unless directed by the canal board.

Repealing clause

34. All those parts of the third section of the act, entitled "an act concerning the Erie and Champlain canals," passed April 20, 1825, which are inconsistent with the provisions of this act, or which require written notices of the sales of the surplus waters of those canals to be put up near the places where such waters are to be sold, are hereby repealed.

Levels

35. No more water shall be taken into any level of either of the canals, by means of the feeders connected with any such level, than what is required to supply such levels during the days of the greatest business, and also to supply any other level of the canal or other public work of the state, dependent upon such level for a supply of water.

Waste weirs

36. Every waste-weir upon the same level of either of the canals shall be constructed, as nearly as may be consistent with the safety and convenience of the canals, of the same height, and all as near the height of four feet at least as that safety and convenience will permit; and there shall also be constructed one waste-gate as nearly

opposite to the mouth of every feeder taken into the canal, as the convenient discharge of the water will permit.

Gates, &c. at Lockport

37. Any person who shall open any gate, sluice, slide, or other passage which now is or hereafter may be constructed to draw water round the locks at Lockport, for the purpose of drawing water from the canal to any mill or machinery of any kind whatsoever, or for any other purpose than the uses of the canal, shall, for every such offence, forfeit and pay a penalty of two hundred and fifty dollars, to be sued for and recovered in an action of debt, with costs of suit, in any court of this state of competent jurisdiction, by any person who will sue for the same, the one half to the use of the complainant, and the other half to the benefit of the canal fund.

Tonnewanta creek

38. No water shall at any time be used for hydraulic purposes at the places where water is drawn from the dam at the mouth of the Tonnewanta creek, when the water is at a depth less than five feet from canal bottom.

CHAP. 315.

AN ACT *to incorporate the Pleasant Valley Manufacturing and Printing Company, at Pleasant Valley, in the County of Dutchess.*

Passed April 18, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That John Givan, George B. Evertsen, and such others as now are, or hereafter may be associated with them in the business of manufacturing cotton, woollen and linen cloths, and of bleaching and printing goods, and of making machinery for the several branches of business connected therewith, in the town of Pleasant Valley in the county of Dutchess, and carrying on the business incident to said manufactories in the county aforesaid, and such parts of said business as it may be advantageous and necessary to transact in the city of New-York, be and are hereby ordained, constituted and declared a body politic and corporate, in fact and in name, by the name of "The Pleasant Valley Manufacturing and Printing Company of the County of Dutchess," and by that name they and their successors and assigns, shall and may have continual succesaion, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at pleasure; and that they and their successors by the same name and style, shall be capable of purchasing, holding, using and conveying any estate, real or personal, for the use of said corporation: *Provided*, That the said real estate to be purchased and holden, shall be such as is now owned by the said John Givan and George B. Evertsen, in the town and county aforesaid, and their associates, if any, or as may be necessary for the purposes for which this corporation is established, and such as has been

Style, &c

bona fide mortgaged to said corporation, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

2. *And be it further enacted*, That the capital stock of the said corporation shall not exceed two hundred thousand dollars, and each share in the said corporation shall be one hundred dollars. Stock

3. *And be it further enacted*, That the capital stock, property, affairs and concerns of the said corporation, shall be managed by seven directors, one of whom shall be president, who shall hold their offices one year from the first Tuesday in June in every year; and the said directors shall be elected on the last Tuesday of May in every year, at such time of day, and at such place as a majority of the directors may by their by-laws appoint, and it shall be the duty of the secretary for the time being, to give such stockholder (who shall have previously informed him in writing, of his or her place of residence) at least ten days notice in writing, previous to each election, through the post-office or otherwise, of the time and place that said election is to be held; and such election shall be made by each of the stockholders of the corporation, as shall attend for that purpose in their proper persons or by proxy: and all elections shall be by ballot, each share of the stock having one vote; and the seven persons who shall have the greatest number of votes at an election, shall be directors; and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number of persons than seven shall, by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorised to vote at such election, shall proceed to ballot a second time, and by a plurality of votes, determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number of seven; and the said directors as soon as may be after their election, shall proceed in like manner to elect by ballot, one out of their number, to be their president, and shall also at the same time, elect a secretary to the company; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; and that the first directors shall be John Givan, George B. Evertsen, William Thorn, William Radcliff, Amos Whipple, John Green, and Samuel H. Adee, who shall hold their offices until the first Tuesday in June, one thousand eight hundred and twenty-seven. Concerns how managed

First directors

4. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day in manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation. Day of election

5. *And be it further enacted*, That a majority of the directors for the time being, shall form a board or quorum for transacting all the business of said corporation, and shall have power to make and Quorum

prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States or this state, as shall to them appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties and conduct of the officers, clerks and servants employed therein, the election of the directors, and all such other matters as appertain to the concerns of the said institution, and shall have power to employ so many officers, agents, clerks and servants, and at such places as shall be necessary for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Accounts

6. *And be it further enacted*, That the directors shall at all times keep or cause to be kept at their manufactory, or at their principal place of business, proper books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Transfers

7. *And be it further enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in a book or books to be kept by the president and directors for that purpose.

A public act

8. *And be it further enacted*, That this act shall be, and the same is hereby declared to be a public act, and that nothing contained in this act shall be construed as to authorise any banking or insurance operations, or the issuing, purchasing or loaning of any bonds, notes, bills or any negotiable paper whatsoever.

Stock personal estate

9. *And be it further enacted*, That the stock of said company shall be deemed and considered personal estate: *Provided always*, That for all debts which shall be due and owing by said company, the persons composing said corporation at the time of its dissolution, shall be responsible in their individual and private capacity, to the extent of their respective shares, and no further, on any suit or action to be brought or prosecuted after the dissolution of said corporation.

Banking prohibited

10. *And be it further enacted*, That it shall not be lawful for the said corporation to engage in any banking business, or to discount any evidence of debt, or to issue any note, bond or bill, or to issue any check, draft or order for money, for the purpose of loaning the same, or to use or exercise any power not expressly granted by this act, or not indispensably necessary to the execution of such powers, and any violation of the provisions of this section shall be deemed a forfeiture of all the rights and privileges conferred by this act.

To organize in one year

11. *And be it further enacted*, That unless the corporation hereby created shall be organized by the choice of directors, and shall go into operation in good faith, within one year after the passage of this act, then this act and the rights and privileges hereby granted, shall cease and become null and void.

Right to repeal

12. *And be it further enacted*, That the rights and privileges hereby granted, shall be deemed to be taken subject to the right of the legislature hereafter to alter, modify or repeal the same, and also subject to the right of either house of the legislature at any time to require from the officers of the said corporation an account of their receipts and expenditures, and of any transactions of the said company or its officers.

CHAP. 316.

AN ACT *to institute a Scientific and Military Academy in the Village of Whitesborough, in the County of Oneida.*

Passed April 18, 1826.

Corporation created

1. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly*, That William G. Tracy, Fortune C. White, Seth S. Peck, John Frost, Elon Galusha, Henry R. Storrs, Simon N. Dexter, Alvin Bradley, William Walcott, Richard Vose of Whitestown; William Williams, John H. Ostrom, of Utica; John J. Knox, of Augusta; Benjamin Wright, of Rome; William Clark and Henry Seymour, of Utica; Elisha Camp, of Sackets-Harbour; Jonathan D. Ledyard, of Cazenovia; Laurens Ford, of Herkimer; and Victory Birdseye, of Onondaga county, be a body corporate and politic, in fact and in name, by the name or style of "The Trustees of the Scientific and Military Academy of the Western District," the object of which institution, shall be instruction in the military, agricultural and other branches of the arts and sciences; and by the above name they and their successors may and shall have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places, in all manner of actions, suits and causes whatsoever; and may have a common seal, and may change and alter the same at their pleasure, and shall be in law capable of purchasing, taking, acquiring, holding and conveying any estate, real or personal, for the use and benefit of the said corporation, and that the above named persons shall be the first trustees.

Style &c

Duty of the trustees

2. *And be it further enacted*, That the said trustees as soon as may be after the passing of this act, shall convene at the village of Whitesborough, at such time as the senior trustee (and whose seniority shall be decided by the order in which the trustees are named or appointed,) shall appoint, and in the absence of the president, such senior trustee, or in his absence the senior trustee present, shall preside at all meetings of the said trustees, and in case of a division have a casting vote, and from and after such meeting, the said trustees shall annually meet at the village of Whitesborough, on the first Monday of May; and all meetings other than those above provided, shall be held at such time and place as the senior trustee residing in the town of Whitestown, shall appoint, when thereunto requested in writing, under the hands of three of the said trustees, such call or order or appointment to be published in one of the public newspapers printed in the county of Oneida, at least two weeks previous to such meeting, and any six of the said trustees, meeting at the times and places as above directed, shall be a quorum to do and transact all business of the said institution not otherwise provided for in this act.

Officers to appointed

3. *And be it further enacted*, That the said corporation shall appoint a president, vice-president, treasurer and secretary, by ballot, to continue in office during the pleasure of the corporation; that the president shall preside at all meetings of the trustees, that the treas-

urer shall keep fair and true accounts of all monies by him received and paid out, and that the secretary shall keep a fair journal of the meetings and proceedings of the corporation, in which the yeas and nays on all questions shall be entered if required by any one of the trustees present, and to all books and papers of the corporation, every trustee shall always have access, and be permitted to take copies of them.

Intendant

4. *And be it further enacted*, That the said trustees at any meeting, at which a majority of said trustees shall be present, shall appoint a principal instructor, who shall have the management of the academy, under the direction of the the trustees, who shall be styled the "Intendant," and have the rank of a full colonel in the militia of this state, and so many professors, chaplains, teachers, managers and servants as the interests of the institution from time to time may require, who shall hold their offices during the pleasure of said trustees, or a majority of them.

His powers, &c

5. *And be it further enacted*, That the intendant so appointed as above, shall have power under the regulations ordained by the trustees, to receive students for the purpose of instructing them in the above named branches of the arts and sciences, who shall be regularly matriculated, and while members of the institution, styled "Cadets," and under the same regulations have power to give them honourable dismissions from the same.

By-laws

6. *And be it further enacted*, That the said trustees at any meeting called as above directed, at which a majority of the said trustees shall be present, shall have power to make and prescribe such by-laws, orders, rules and regulations, as to them shall appear needful, for the preservation of the interests, discipline and good order of the institution; and to alter, amend or repeal the same, and shall have power to ordain the punishments of arrests, admonitions, hard labour for a time not exceeding two days, suspensions, imprisonment in the provost of the institution, (which provost they are hereby authorised to establish,) for a time not exceeding three days, to be inflicted on the cadets, who may be placed under the charge of the intendant or other officer of the institution, by the order of the intendant, on conviction of an infraction of any of the said by-laws, rules and regulations, and expulsions, which shall only take place on vote of a quorum of the trustees.

Annual examination and review

7. *And be it further enacted*, That there shall annually be a public examination and review of the cadets in the institution, on such day as the trustees shall appoint; notice of which examination and review shall be given to the governor of this state, at least four weeks previous thereto, and by advertisement in at least two of the public newspapers printed in the county of Oneida, in one of the public newspapers in the city of Albany, and one in the city of New-York.

Vacancies

8. *And be it further enacted*, That all vacancies occasioned by the death, resignation or removal out of this state of any trustee or trustees, shall be supplied in the following manner, namely: the first vacancy that shall happen, shall be supplied by the trustees at the next meeting of a quorum thereof, the second vacancy that shall happen, shall be supplied by the governor of this state, within three months after notice of such vacancy, which notice it shall be the duty

of the intendant, to give immediately on its occurring, and so on alternating as often as any such vacancy may occur.

Removals

9. *And be it further enacted*, That any trustee may be removed for misconduct on vote of three fourths of the whole number of trustees.

Privilege of officers

10. *And be it further enacted*, That the intendant, professors, chaplains, teachers, cadets, managers and servants in the above institution, shall be exempt from militia duty, excepting in case of insurrection or invasion.

Duty of commissary-general

11. *And be it further enacted*, That the commissary-general deliver to the order of the intendant of said institution, one hundred stand of arms, and the accoutrements therefor, on receiving the receipt of the said intendant for the same, to account for when called upon.

Whitesborough academy

12. *And be it further enacted*, That it shall and may be lawful for the trustees of Whitesborough academy, to transfer to the trustees of the scientific and military academy of the western district, their real and personal estate, for the use and benefit of said institution.

Power to repeal

13. *And be it further enacted*, That it shall and may be lawful for the legislature at any time hereafter, to alter, modify, amend or repeal this act.

CHAP. 317.

AN ACT *to incorporate the Harlaem Canal Company.*

Passed April 18, 1826.

Corporation created

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That Enoch Wiswall, Francis Price, and such other persons as now are, or hereafter may be associated with them, be, and they are hereby constituted, ordained and declared to be a body corporate and politic, in fact and in name, by the name of "The Harlaem Canal Company," and by that name they and their successors and assigns, shall and may have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and make, change and alter the same at their pleasure: and also, that they and their successors by the same name and style, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided*, That the real estate so to be holden, shall be such only as is now owned by said company, or such as shall by purchase and voluntary transfer, be conveyed to them, or such as shall be taken in manner and form hereinafter described, to be used in and about the construction of said canal, and works connected therewith.

Style &c.

Proviso

Concerns how managed

2. *And be it further enacted*, That the stock, property, affairs and concerns of the said corporation shall be managed and conducted by thirteen directors, to be elected from the stockholders, (one of whom to be president) who shall hold their offices for one year from

the first Monday in May in every year hereafter; and that the said directors shall be elected on the first Monday of May, in every year hereafter, at such time of the day and at such place as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors, not less than thirty days previous to the time of holding the said election, by an advertisement to be inserted in at least two of the public newspapers printed in the city of New-York: and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose, either in their proper persons, or by proxy; and all elections shall be by ballot, each share of stock having one vote; and the persons who shall have the greatest number of votes shall be directors; and if it shall happen at any election, that two or more persons have an equal number of votes, so that no choice shall have been made as to such person, then the said stockholders herein before authorised to vote at such election, shall proceed by ballot a second time, and by plurality of votes, determine which of the persons so having an equal number of votes, shall be the director or directors, so as to complete the whole number of thirteen; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy shall be occasioned in their direction, by death, resignation or otherwise, the same shall be filled for the remainder of the year in which it may happen, by such person or persons as the remainder of the directors for the time being, or a major part of them shall appoint; that Henry Post, Henry Storms, Daniel Fanshaw, Isaac Adriance, James A. Campfield, James H. Delamater, Enoch Wiswall, Charles Starr, Jacobus Dyckman, Jonathan Seymour, Samuel Osborn, Horace Holden and Francis Price, shall be the first directors, and shall hold their offices until the first Monday in May, in the year one thousand eight hundred and twenty seven, and until others shall be chosen; and that the major part of whom shall form a board for the transaction of business.

First directors

Day of election

3. *And be it further enacted*, That in case it should at any time happen, that an election of directors should not be made on the day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of directors.

Power to make canal

4. *And be it further enacted*, That the said corporation shall have full right, power and authority to cut, construct, and make a canal; the said canal to commence at or near the entrance of Harlaem creek, in the twelfth ward of the city of New-York, and to construct any number of basins in connection therewith, upon the land of said company, for the purpose of opening water communication, on and across the island of New-York, to the North river, at any point between ninety-fifth and one hundred and thirty-fifth streets, and for the purpose of supplying water for the manufacturing establishments which may be erected, and may also at any time hereafter, purchase, build or hire, for the use and in the name of the said corporation, houses, factories, ware-houses, wharves and other necessary buildings, boats or water craft; and to sell or lease any part or the whole of the above mentioned property, and also any water or surplus water of their canals and basins in such man-

ner as they may think most conducive to the interests of the said corporation: *Provided*, That the said company shall not take any land against the consent of any owner or owners, and shall not break ground in the excavation of said canal or canals or basins, without the approbation and assent of the corporation of the city of New-York, nor until the corporation of the said city, shall decide on the quantity of lands or property necessary to be so taken, for the purposes aforesaid; and the assent of the corporation so had and obtained by this company, under the corporate seal of said city, shall be a warrant for proceeding with the construction of the said canal on land now owned by the said company, or on land hereafter to be conveyed to said company by voluntary conveyance. Proviso

5. *And be it further enacted*, That the capital stock of said corporation shall not exceed three hundred and fifty thousand dollars; and that a share of said stock shall be fifty dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such time and in such proportion as they shall see fit, under pain of forfeiture of their respective shares and all previous payments made thereon, if such payments be neglected to be made for the space of ten days after the same ought to have been made, and thirty days previous notice of said call and demand shall have been given agreeable to the provisions of this act. Stock

6. *And be it further enacted*, That the directors for the time being, shall have power to make such by-laws, rules and regulations as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the rate and manner of collecting tolls and fares, the duties of the officers, artificers and servants by them employed, and all such matters as appertain to the concerns of the said corporation, with power to appoint such and so many officers, clerks and servants, for carrying on the business of the said company, and such allowances and salaries as to them shall seem meet. By laws

7. *And be it further enacted*, That if any person or persons shall wilfully do or cause to be done any act whatsoever, whereby the said works, or any matter or thing appertaining to the same, shall be impaired or injured, the person or persons so offending shall forfeit and pay to the said company treble the amount of the damages sustained by means of such offence or injury, to be recovered by said company, with costs of suit, and by action of debt in the supreme court of judicature of this state, which action shall in every instance be considered transitory in its nature, and may be triable in any county of this state. Penalties

8. *And be it further enacted*, That nothing in this act shall be so construed as to permit the said company to employ any part of its capital in banking, nor shall it issue any bond, note, bill of credit or other obligation; but this prohibition shall not be construed to prevent any contract that may be necessary for the purpose of constructing, repairing and conducting any of the works by this act contemplated. Banking prohibited

9. *And be it further enacted*, That the stockholders of the said corporation shall be holden in their individual capacities responsible, jointly and severally, for the payment of all debts contracted by the said company to the nominal amount of the stock held by such Responsibility

stockholders respectively; and any person having any demand against the said company, may sue any stockholder singly, or any two or more stockholders jointly, and recover in any court having cognizance thereof: *Provided* such suit shall not be maintained without proof that such demand had been presented to the proper officer of the said company for payment, and the payment thereof neglected or refused; *And provided also*, That the said company shall be liable to be prosecuted as a corporation for any such demand.

Proviso

Stock transferable

10. *And be it further enacted*, That the stock of the said corporation shall be deemed and considered personal estate, and shall be assignable and transferable, and that no transfer of stock in said company shall be valid, until such transfer shall have been registered in a book or books to be kept by the directors of the company for that purpose, which book or books shall at all reasonable times during the usual hours of transacting business, be open to the examination of any person having in his possession any demand against said company, the payment of which shall have been refused; and in case any officer of said company having charge of such books, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of two hundred and fifty dollars, the one moiety thereof to the people of this state, and the other moiety to him who shall sue for the same by action of debt, in any court of record, together with costs of such suit.

A public act

11. *And be it further enacted*, That this act shall be deemed a public act, and shall be benignly and favorably construed, for all the purposes therein expressed and declared in all courts and places whatsoever.

Power to repeal

12. *And be it further enacted*, That the legislature may, at any time hereafter, modify or repeal the whole or any part of this act.

Loans prohibited

13. *And be it further enacted*, That it shall not be lawful for the said corporation to issue any note, bond or bill, or to issue any check, draft or order for money for the porpose of loaning the same, or to use or exercise any power not expressly granted by this act, or any power not indispensably necessary to effect the object of the incorporation, and that any violation of this section shall be deemed a forfeiture of the rights and privileges of such corporation.

Exclusive privilege not hereby granted

14. *And be it further enacted*, That nothing in this act contained shall be taken to give the corporation hereby created, any exclusive privilege, or to prevent the legislature from granting like privileges to any other person or persons or body corporate.

Time limited to make canal

15. *And be it further enacted*, That unless the said canal shall be constructed within two years from the passage of this act, this act and the privileges hereby granted shall become null and void.

Rights of others

16. *And be it further enacted*, That nothing in this act contained shall be construed as authorising the company hereby incorporated to interfere in any way with the rights or privileges of any other incorporated company, or of any individual.

CHAP. 318.

AN ACT *for the Payment of certain Officers of Government and other Persons therein named, and for other purposes.*

Passed April 18, 1826.

Clergy

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That there shall be allowed and paid by the treasurer, on the warrant of the comptroller, to each of the several clergy who shall have attended the legislature as chaplains during the present session of the legislature, three dollars per day for each day's attendance, to be certified by the president of the senate or speaker of assembly.

Index to journals

2. *And be it further enacted,* That the treasurer pay, on the warrant of the comptroller, to the clerks of the senate and assembly, each the sum of fifty dollars, for making an index to the journals of the senate and assembly of this session of the legislature, when such index shall be approved of by the secretary of state.

Sergeants at arms and doorkeepers

3. *And be it further enacted,* That there shall be allowed and paid to each the sergeant-at-arms, door-keepers and assistant door-keepers of the senate and assembly, by the treasurer, on the warrant of the comptroller, three dollars for each day's attendance by them respectively, during the sitting of the senate and assembly, or of the court for the trial of impeachments and correction of errors.

Governor's incidental expenses

4. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the person administering the government of this state, to defray the incidental expenses of administering the same, a sum not exceeding seven hundred and fifty dollars: *Provided,* he shall account with the comptroller for the expenditure thereof.

Messengers

5. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, pay to Richard Ten Broeck the sum of one dollar and fifty cents per day for each day his son Richard Ten Broeck, junior, has attended as a messenger for the house of assembly during the present session of the legislature, to be certified by the speaker: *And further,* That the like sum be paid to Gideon Harris, for the attendance of Arnold Harris, to be certified in like manner: *And further,* That the like sum be paid to Henry Weaver, for the attendance of Isaiah L. Weaver, as a messenger for the senate during the present session of the legislature, to be certified by the president of the senate.

Executive doorkeeper

6. *And be it further enacted,* That the door-keeper of the executive chamber be allowed the same daily compensation as by this act is allowed to the respective door-keepers of the senate and assembly, for every day he shall have attended as such door-keeper, certified by the governor, and paid by the treasurer on the warrant of the comptroller.

S Hays

7. *And be it further enacted,* That the treasurer pay, on the warrant of the comptroller, to Solomon Hays, two dollars for each day he has attended the house of assembly the present session of the legislature, to be certified by the speaker of the assembly.

Rent and taxes

8. *And be it further enacted*, That the treasurer, on the warrant of the comptroller, pay from time to time, as the same shall become due, the rent and taxes of the house occupied as a residence, in the city of Albany, by the governor of this state.

Comptroller

9. *And be it further enacted*, That the treasurer pay to the comptroller eight hundred dollars for extra clerk hire procured by him during the present session of the legislature.

Clerks of senate and assembly

10. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the clerk of the senate, the sum of three hundred dollars for extra clerk hire, and engrossing the journals of the executive proceedings, and the same sum to the clerk of the assembly for extra clerk hire and engrossing.

Dep. clerks

11. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the deputy clerk of the senate, and each of the deputy clerks of the assembly, the sum of fifty dollars for extra writing and services rendered the committees and the members of the legislature.

M Bovee and E Suffern

12. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Matthias I. Bovee, member of the assembly elect from the county of Montgomery, and Edward Suffern, member of assembly elect from the county of Rockland, the like pay and allowance for travel and attendance as members of the present legislature are entitled to by law, to be computed up to the day when they were respectively admitted to take their seats, by virtue of a resolution of the house of assembly.

Att'y general

13. *And be it further enacted*, That from and after the first day of May next, that instead of the salaries and compensations now allowed, there shall be allowed and paid to the attorney-general, an annual salary of one thousand dollars, and the further sum of six

Dept compt & dept secretary

hundred dollars for clerk hire, and to the deputy comptroller and deputy secretary of state an annual salary of one thousand five hundred dollars each.

R Ten Broeck

14. *And be it further enacted*, That the treasurer pay, on the warrant of the comptroller, to Richard Ten Broeck, three dollars per day for each day he attended this house in the place of the assistant door-keeper during the absence of the sergeant-at-arms by leave of the house.

G H Barstow

15. *And be it further enacted*, That it shall be the duty of the treasurer to pay on the warrant of the comptroller, to Gamaliel H. Barstow, late treasurer, fifty-eight dollars, being the amount of counterfeit bills received into the treasury by him and accounted for to the state.

Ac'ts with U States

16. *And be it further enacted*, That it shall be lawful for the comptroller to pay to the order of the person administering the government of this state, a sum not exceeding three hundred dollars, to defray any necessary expenses that may be incurred in the settlement of the accounts of this state against the United States, and in the sale of the fortifications to the United States.

A Andrews

17. *And be it further enacted*, That the treasurer pay on the warrant of the comptroller, to Amos Andrews two dollars per day for each day he has attended the senate or the court for the trial of impeachments and correction of errors, to be certified by the president of the senate, and that the sum of twelve dollars be allowed him

for his travelling to and from the court for the trial of impeachments and correction of errors, held in June last.

N Paul

18. *And be it further enacted*, That the sum of fifty dollars be paid to the Rev. Nathaniel Paul, by the treasurer, and that the comptroller issue his warrant for that sum.

W Popham

19. *And be it further enacted*, That there be paid upon the warrant of the comptroller, to William Popham, clerk of the court of exchequer, six hundred and twenty-five dollars for the salary allowed him by law, and the further sum of five dollars, not allowed him by mistake, for his last years salary.

Revisors

20. *And be it further enacted*, That the treasurer pay on the warrant of the comptroller, to the revisors of the laws, the sum of five hundred dollars each, in part payment of the amount allowed to them for the act entitled "an act for revising and publishing the laws of this state," passed April 21, 1825.

I L Weaver

21. *And be it further enacted*, That there shall be allowed and paid to Isaiah L. Weaver by the treasurer, on the warrant of the comptroller, one dollar and fifty cents, for each days attendance by him on the court for the trial of impeachments and the correction of errors, to be certified by the president of the senate.

Surveyor generals' clerk hire

22. *And be it further enacted*, That the treasurer pay on the warrant of the comptroller, the sum of one hundred and fifty dollars to the surveyor-general, for additional clerk hire, to take effect on the first of January last.

Mrs Goodell

23. *And be it further enacted*, That the treasurer shall pay, on the warrant of the comptroller, to the widow of Richard Goodell, late keeper of the state prison at Auburn, the sum of three hundred dollars, the proportionable part of the salary of the said Richard Goodell, from the time of his death to the time when his first year would have been completed as keeper of the said prison.

A Oake

24. *And be it further enacted*, That the treasurer on the warrant of the comptroller, shall pay to Abraham Oake, clerk in the treasurer's office, the sum of two hundred dollars, in addition to the compensation now allowed by law for his services in the said office for the current year.

CHAP. 319.

AN ACT *to amend the act, entitled "An Act to incorporate the Hector and Catharine Turnpike Road and Bridge Company," passed April* 15, 1823.

Passed April 18, 1826.

Draw bridge

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That it shall be the duty of the president and directors of the said company to keep and maintain a draw in the bridge across the Catharine Inlet, of sufficient size and dimensions to admit of the free passage of boats, rafts and other water craft under and through the same, and that it shall be the duty of the said president and directors, either by themselves or their agent or toll gatherer, upon the request of the master, agent or owner of any boat, raft or water craft, navigating the said inlet, to raise

or cause to be raised the draw in said bridge so as to admit of the passage of any such boat, raft or water craft, without any unreasonable delay, and free of toll.

Penalties

2. *And be it further enacted*, That the master boatman or persons navigating any boat, raft or water craft, who shall raise or attempt to raise the draw of said bridge without first calling upon the agent or toll gatherer of the said company, or shall wilfully commit any trespass or injury to the said bridge, or to the said draw, shall be liable to the said company for double the amount of damages done to said bridge, or to the said draw, to be recovered in an action of debt, with costs of suit, before any court having cognizance of the same: *And further*, on conviction thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fines or imprisonment, or both, at the discretion of the court before which such conviction shall be had: *Provided*, That such imprisonment shall not be for a longer term than six months, and such fines shall not exceed two hundred dollars; and in case the damages aforesaid cannot be collected of the master, boatmen or persons navigating any boat, raft or water craft, by whom any trespass shall be committed or damage done as aforesaid, then and in that case the owner of the said boat, raft or water craft, shall be liable for double the amount of damages as aforesaid, to be sued for and recovered in manner aforesaid.

Proviso

Right to repeal

3. *And be it further enacted*, That in case the said company shall fail to maintain and keep the said bridge and the draw so to be constructed therein, in the manner directed in and by this act, it shall not be lawful for the said company to demand or receive any toll for passing over the said bridge, and the legislature may at any time hereafter alter, amend or repeal this act.

CHAP. 320.

AN ACT *to give effect to Letters Patent where the same were issued after the death of the Patentee.*

Passed April 18, 1826.

Patents declared valid

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That the title to all lands heretofore granted by letters patent to any person or persons who died previous to the granting or issuing such patents, shall be, and is hereby declared to have been vested in such patentee or patentees at the time of their deaths respectively: *Provided*, That nothing herein contained shall be so construed as to affect the title or interest of any person or persons acquired by, from or under any bona fide purchase of any of the said lands, or under or by virtue of any contract, agreement or conveyance bona fide on the part of the grantee in such contract, agreement or conveyance, by whomsoever the same may have been made and executed.

Act of 1813

2. *And be it further enacted*, That the second section of the act, entitled "an act concerning lands in the military tract," passed April 8th, 1813, shall apply to all lands which may be taken or holden in virtue of this act.

CHAP. 321.

AN ACT *to to provide for auditing and paying the contingent Expenses of the Senate and Assembly, and for other purposes.*

Passed April 18, 1826.

Accounts how to be audited

1. *BE it enacted by the People of the State of New-York, represented in Senate and Assembly*, That from and after the passing of this act, it shall be the duty of the comptroller, in auditing accounts for the contingent expenses of the senate and assembly, to require satisfactory evidence that the services charged have been performed, and that the charge therefor is reasonable, and also require the like evidence that articles charged in such account have been furnished, and that the price charged therefor is reasonable.

Accounts of 1825 unpaid

2. *And be it further enacted*, That it shall and may be lawful for the comptroller to audit all accounts due and unpaid for services performed, or articles furnished, by order of the assembly during the year eighteen hundred and twenty-five, and to draw his warrant on the treasurer in favor of the person or persons to whom any sum shall be found due.

Clerk of the assembly

3. *And be it further enacted*, That every person hereafter appointed to the office of clerk of the assembly of this state, shall, before he enters on the duties of his office, execute a bond to the people of this state, with such surety as the comptroller of this state shall approve, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office, and accounting for all monies which may come to his hands in virtue thereof; and the said clerk shall also, before entering upon the duties of his office, take and subscribe an oath before some person qualified to administer oaths, that he will faithfully and impartially execute the duties of his office, and support the constitution of this state and of the United States.

Section amended

4. *And be it further enacted*, That in the second section of the act, entitled "an act relative to the sale of lands belonging to the people of this state, and to prevent trespasses on public lands," passed 14th April, 1826, the words "Eighth section"* shall be taken as referring to the "Eighteenth section" of the act, entitled "an act concerning the commissioners of the land-office and the sale of unappropriated lands."

* See page 209, Sec. 2.

INDEX.

A.

PAGE.

Academies,

Auburn, ... 100
Bedford, ... 101
Bridgewater, ... 96
Canajoharie, ... 155
Ithaca, ... 296
Johnstown, ... 90
Lewiston, (chap. 268,) 301
Lowville, ... 85
Middlebury, ... 177
New-Rochelle, ... 182
Ovid, ... 164
Rensselaer Oswego, ... 158
Rye, ... 152
St. Lawrence, ... 82
Scientific and military, ... 367
Steuben, (Oneida county) 334
Whitesborough, ... 369

Accounts,

Supervisors' clerks to settle certain, ... 345
Contingent expenses of senate and assembly, ... 377

Advertisements,

Of the sale of state lands, ... 327

Agent of the State,

For canal fund land, ... 74
For land conveyed by Myron Holley, ... 328

Agriculture,

Society of Albany county incorporated, ... 148

Albany, (city of,)

Collectors of taxes in, ... 4
Coroners' fees regulated, ... 45
Part of Centre-street abolished, ... 93
Laws relating to, combined into one act, ... 184
Lottery, act relating to, ... 207
Public offices, addition to, ... 267
Sheriff's duty in case of the death of a member of assembly, 279
Rail road to Schenectady, ... 286
Weights and measures for assistant state sealer, ... 356

Albany County,

Agricultural society incorporated, ... 148
To elect three members of assembly, ... 335

Aliens;

Sarah Edwards, ... 55
Alexander MacGregor's children, ... 278
Jane Reid, ... 307
James Archbald's heirs, ... 333
Sarah Hamilton, ... 358
Act for the relief of resident aliens, ... 348
Aliens named in the act, ... 348, 349

The following are their names :—

Armstrong, A.	Hatt, P.	McCardle, J.
Anderson, G.	Hustings, P. R.	McConnell, W.
Bidan, J.	Hustings, A.	Murphy, P.
Burney, C.	Ireland, J.	Mathews, C.
Bigg, W.	Joy, H. H.	Mathews, M. A.
Bailey, J.	Jackson, W.	Mathews, G. J.
Brown, J.	Johnson, J.	Perry, B.
Bassett, F.	James, M.	Parmentier, A. & A.
Beers, E.	Jennings, T.	Rotto, J. F. C.
Carroll, C.	Jennings, G.	Raynor, A.
Clobecy, J. P.	Kearn, A.	Radcliff, W.
Clements, D.	Keeling, I.	Radcliff, W. jr.
Cusnio, J.	Krugar, G. W.	Radcliff, T.
Dulux, J.	Lafoy, J. B. M.	Radcliff, T. jr.
Delvin, J.	Letts, S.	Sharp, R.
Drowley, J.	Logan, J.	Stevenson, H.
Disney, R.	Lamden, T.	Sanford, M. S.
Ewbank, T.	Lind, J.	Strongitharnes, P.
Ferrill, T.	Middleton, R.	Shaw, H.
Fulton, W.	McMurray, J.	Stone, T.
Griffiths, J.	McKenney, P.	Stone, W.
Gopsell, J.	Mann, S.	Stone, J. & J.
Gilmer, R.	McKibbon, J.	Stone, S.
Gifford, W. T.	Mann, E.	Smith, S.
Graham, J.	Murray, J.	Storey, J. V.
Graham, T.	Meartell, G.	Thompson, R.
Graham, G.	Murphy, M.	Thompson, W.
Horspool, J.	McCabe, P.	Tomlinson, W.
Horspool, S.	Miles, H.	Vaux, T.
Henriques, D.	McIntosh, M.	Vuitee, G.
Henriques, J.	McGough, J.	Watson, J.
Henriques, M.	McManus, R.	Windal, A. G.
Hall, J.	McCutchen, W.	Whealon, J.
Hind, G. R.	McGeorge, S.	Xifre, J.

Allegany County,

Town meetings in Allen, ... 40
Town of Burns erected, ... 57
Jurors and justices' courts in, ... 79
Dam in Nunda, ... 145
Dam in Caneadea, ... 146

Courts in, ... 226
To elect one member of assembly, ... 336
Part of the eighth senate district, ... 336

Allen, (town of,)

Town meetings in, ... 40

Alms Houses,

Exempted from taxation, ... 7
Superintendent of, in New-York, ... 307
(See Poor-Houses.)

Amendments to the Constitution,

Act relative to, ... 317

Amherst,

Town meetings in, ... 267

Anchor Insurance Company,

Formerly La Fayette insurance, ... 90

Andrews, Amos,

Pay of, ... 374

Appointment of Officers,

Act providing for, extended, ... 44

Apportionment,

Of the members of Assembly, ... 335

Apprentices,

Poor children may be bound out, ... 290

Archbald, James,

Act for the relief of his widow and heirs, ... 333

Arms,

To be given to military academy at Whitesborough, ... 369

Arts,

See New-York Atheneum, ... 332

Architecture,

House carpenters' association, ... 56

Assembly,

Provision in case of equality of votes, ... 279
Apportionment of members of, ... 335
Pay to clerk for index to journals, ... 373
Contingent expenses of, ... 377
Clerk to give bond, ... 377

Assessors,

Their duty under the dog law, ... 149
United States' direct tax of 1814, ... 358

Assistance Society,

Of the city of New-York, ... 180

Assistant State Sealer,

In Albany, weights and measures for, ... 356

Atheneum,
In New-York, incorporated, ... 332
Athens, (village of,)
Firemen increased, ... 90
Attorney-General,
To give certificate relative to lot 88 Sterling, ... 100
To defend suits for lands in Dutchess and Putnam, ... 106
Gospel, school and literature lot in Sidney, ... 278
Accounts of I. M. Hooker and others, ... 294
Albany lottery, ... 207
His duty as a state canvasser, ... 317
Under act relative to quit rents, ... 327
His salary and clerk hire, ... 374
Auburn,
Act relative to academy in, ... 100
Inns and taverns, &c. 257
State prison to be visited, ... 276
Appropriation for state prison, ... 284
Auburn State Prison,
Commissioners to visit, ... 276
Appropriation for, ... 284
Deputy keeper's salary, ... 285
Money to be paid to the late keeper's widow, ... 375
Austin, Moses,
Act for his relief, ... 80
Austin, William,
Personal property ceded to Ruth Thurber, ... 356
Austin, David,
Act for the relief of, and G. V. Hazard, ... 340
Avon, (town of,)
Act relative to part annexed to Rush, ... 81

B.

Bainbridge Central Bridge Company,
Incorporated, ... 107
Ballots,
See amendment to the constitution, ... 317
Jurors, how balloted for, ... 357
Ballston Spa,
Village of, ... 247
Banks,
Dry dock company, New-York, ... 91
Deposits of canal tolls in, ... 360
Barstow, Gamaliel H.
Allowance to, ... 374
Barton, Benjamin and others,
Ferry at Lewiston to be leased to, ... 301

Bath, (town of,)
Taxes in, ... 238
Bath and Sparta Turnpike Road,
Company incorporated, ... 299
Bedford Academy,
Incorporated, ... 101
Beef and Pork,
Act for the inspection of, amended, ... 40
Benevolent Societies,
(See Societies.)
Bitches,
See dog law, ... 149
Black River,
Surplus waters in, may be diverted, ... 322
Black Rock,
Ferry at, ... 35
Lands at, to be sold, ... 147
Board of Supervisors,
(See Supervisers.)
Bonds,
To the state, to be examined by the comptroller, ... 354
Bounty Lands,
Grant ordered to Peter Crapoo, ... 110
To the heirs of N. Tupper, ... 307
Bovee, Matthias,
Pay of, ... 374
Brace, Lester,
To keep a ferry, ... 35
Bradley, William and Ann,
Title to lands adjoining, in Ulster county quieted, ... 356
Brant Lake Tract,
Money to be refunded for two lots in, ... 351
Brasher, (town of,)
Road through to Deer river, ... 300
Breed, Henry G.
Tax to be levied on his land, ... 95
Brewster, Oliver W.
Act for the relief of, and others, ... 95
Bridges,
Fort Miller, ... 104
Bainbridge central, ... 107
At the village of Lodi, ... 110
Gravesend and Coney Island, ... 179
Over Tonewanta creek, ... 217
Over the Wallkill, ... 218

Fort Edward, ... 222
Neversink, ... 232
Hector and Catharine, ... 875

Bridgewater Academy,

Incorporated, ... 96

Bridgewater, (town of,)

Congregational Society in, ... 341

Bridgewater, (village of,)

Act relative to, ... 29

Brighton, (town of,)

Ferry across Irondequoit bay, ... 304

Brooklyn,

Act relative to the village of, ... 87
Supervisor of, to convey land, ... 294

Broome County,

Dam in Conkling, ... 58
" on Binghampton patent, ... 100
" in Windsor, ... 250
To elect one member of assembly, ... 336
Part of the sixth senate district, ... 336

Buffalo, (village of,)

Act relative to, ... 140

Buffalo and Hamburgh Turnpike Road,

Company incorporated, ... 160

Bump, Aaron,

Act for the relief of, ... 333

Burns, (town of,)

Erected, ... 57

Burial Grounds,

Supervisors to take and hold lands for, ... 47

Burtis, Arthur,

Lands vested in him in trust, ... 307

Butler, (town of,)

Erected, ... 40

Byington, Benajah,

Allowed to search for rock salt, ... 91

C.

Campbell, Sarah Kemp,

Act for the relief of her heirs, ... 211

Canals,

J. Thayer to be paid certain monies, ... 59
Cohoes company may make canals, ... 79
Canal fund lands, ... 74
Orange and Sussex canal, ... 138

Committee on canals, investigation by, ... 226
Surplus waters, ... 322, 226
Lateral canal to Montezuma salt works, ... 274
Feeder of Champlain canal, ... 283
Locks, &c. in a branch of St. Lawrence river, ... 322
Black river, surplus waters, ... 322
Myron Holley, ... 328, 353
Act relative to the canals, ... 360
Harlaem canal company, ... 369

Canal Fund,

J. Thayer to be paid a certain sum, ... 59
Lands belonging to, ... 74
Act relative to Myron Holley's property, ... 328
Act for the relief of Myron Holley, ... 353
Act relative to the canals, ... 360

Canal Board,

Established, (see canals.) 360

Canal Commissioners,

(See Canals, and Canal Fund.)

Canal Turnpike Road,

Act relative to, ... 98

Canandaigua,

Town-house to be erected in, ... 111

Canajoharie Academy,

Incorporated, ... 155

Caneadea, (town of,)

Dam in, ... 146

Carpenters' Association,

In New-York, incorporated, ... 56

Carr, Jacob & James,

To keep a ferry, ... 10

Castile,

Town meetings in, ... 46

Cato, (township of,)

Lot No. 64 in, ... 25

Catskill Mountain Association,

To increase their capital stock, ... 42

Catskill Mechanical Society,

Act relative to, ... 80

Cattaraugus County,

Town of Randolph erected, ... 21
Jurors and justices' courts in, ... 79
Bridge at Lodi, ... 110
Conewango creek a public highway, ... 291
Section relative to Randolph and Conewango, ... 291
To elect one member of assembly, ... 336
Part of eighth senate district, ... 336

Cayuga County,
Ferry in, ... 10
Lots 64 Cato, and 44 Locke, ... 25
Auburn academy, ... 100
Church in Sempronius, ... 184
Inns and taverns in Auburn, ... 257
Canal to Montezuma salt works, ... 274
Cayuga marshes, ... 293
To elect four members of assembly, ... 336

Cayuga Lake,
Ferry across, at Union Springs, ... 10
Road to the mouth of Salmon creek, ... 23
Cayuga marshes, ... 293

Cayuga Marshes,
Act for draining, ... 293

Cemeteries,
Supervisors to take and hold lands for, ... 47

Champlain Canal,
Feeder of, ... 283
See act relative to the canals, ... 360

Champlain Lake,
Ferry across, by I. Spear, ... 26
By S. Foot, junior, ... 52

Chancellor,
To appoint a circuit judge to hear certain causes, ... 353

Chancery, (court of,)
May order sale of lands in certain cases, ... 146
Circuit judge to hear certain causes in, ... 353

Chaplains,
Of senate and assembly, ... 373

Chattenay, Mary Antoinette,
Lands vested in A. Burtis in trust for her heirs, ... 307

Chautauque County,
Justices to be appointed in Ellington, ... 3
Jurors and justices courts in, ... 79
To elect two members of assembly, ... 336
Part of the 8th senate district, ... 336

Chenango County,
Bridge in Bainbridge, ... 107
To elect three members of assembly, ... 336
Part of the 6th senate district, ... 336

Cherry-Valley and Canajoharie Turnpike Road,
Company incorporated, ... 305

Children,
In poor-houses may be bound out, ... 290

Churches,
Act relative to religious societies amended, ... 34

Dutch churches in Queens county, ... 99
Sempronius congregational society, ... 184
Bridgewater, do. do. 341

Church Wardens,

Election of, ... 34

Circuits,

To correspond with senate districts, ... 336

Circuit Courts,

In the eighth circuit, ... 68
In Onondaga county, ... 77
Sale of lands in certain cases, ... 146
Judge of, to sit in the court of chancery, ... 353
Commissions to take testimony, ... 357

Cities,

Coroners' fees, ... 45

Cleland, Jonas,

To erect a dam, ... 268

Clergy,

Pay of, as chaplains to the legislature, ... 373

Clerks of the Senate and Assembly,

Pay for indexes to journals, ... 373
Extra clerk hire and deputy clerks, ... 374
Clerk of assembly to give bond, ... 377

Clerk's Office,

To be erected in Erie county, ... 58
" in Richmond county, ... 128
(See County Clerks.)

Clinton County,

To elect one member of assembly, ... 336

Clinton, (village of,)

Side-walks in, ... 130

Coal,

Lehigh Company incorporated, ... 272

Cohoes Company,

Incorporated, ... 70

Collectors,

In Albany, ... 7
Their duty under the dog law, ... 149
In Bath, Steuben county, ... 238
In Nassau, Rensselaer county, ... 267
Of canal tolls, ... 360
In Hannibal, ... 17

Colleges,

See Albany lottery, ... 207

Collier, John A.

May erect a dam, ... 100

Columbia County,

Act for appointing justices in 37
Road in Stuyvesant, ... 45
School districts in Hudson, ... 92
Courts in, ... 95
To elect three members of assembly, ... 335

Commissary-General,

To give arms to military academy at Whitesborough, ... 369

Commissions,

For taking testimony, how returned, ... 357

Commissioners of the Canal Fund,

(See Canals, and Canal Fund.)

Commissioners of the Land-Office,

Settlers on Stockbridge lands, ... 21, 36
Lot 85 Milton, 64 Cato, and 44 Locke, ... 25
Grant to P. Hardenburgh, ... 27
" to D. Wallis and B. Turnbull, ... 30
" to Samuel Hollister, ... 36
" to T. Wainer and W. Gardner, ... 36
" to corporation of New-York, ... 43
" to R. Morse, and others, in Essex county, ... 44
Lease to Benjamin Sanborn, ... 52
Their duty relative to canal fund land, ... 74
Moses Austin to be compensated, ... 80
To grant part of lot 83, Milton, to school trustees, ... 106
To grant land to Peter Crapoo, ... 110
" to colored persons, Stockbridge, ... 133
To survey lands at Black Rock, ... 147
Act relative to sale of state lands, ... 209, 354
Lewiston school fund, ... 239
Mills and mill sites at Oswego falls, ... 244
Otsequette's land to be sold, ... 252
Sidney and De Kalb, school lots, &c. in, ... 278
Lewiston ferry to be leased to B. Barton, and others, ... 301
Grant to Nathan Tupper's heirs, ... 307
Lands sold for quit-rents, ... 326
Advertisements for the sale of state lands, ... 327
Oneida purchase of February, 1826, ... 354
Grant to Nathan Davis, ... 354
Conditions of sale of state lands, ... 354
Long sault island to be surveyed and sold, ... 354
See chap. 321, sec. 4,—"eighth" to be read "eighteenth," .. 377

Common Pleas Courts and Judges,

State lands, trespasses on, ... 209
To regulate fisheries, ... 245
Commissions to take testimony, ... 357

Comptroller,

Albany lottery, ... 207
Amendments to the constitution 317
Auburn academy, ... 100
Auburn state prison, ... 270

Bonds and mortgages to be examined, ... 354
Bump, Aaron, ... 338
Canals, act relative to, ... 360
Cayuga marshes, ... 293
Chancery, court of, ... 353
Clerk hire, extra, ... 374
Committee on canal investigation, ... 226
Common school money, ($100,000) 350
Contingent expenses, senate and assembly, ... 377
Deputy's salary, ... 374
Dutcher, Salem jun. 231
Dutchess and Putnam, suits in, ... 106
Extra clerk hire, ... 374
Fortifications, Staten Island, ... 231
Hammond, Jabez D. 231
Holley, Myron, ... 59
Hooker, Increase M. and others, ... 294
Johnstown academy, ... 90
Lands to be bid in, in certain cases, ... 327
Lewiston school fund, ... 289
Lowville academy, ... 85
Marine hospital, see juvenile delinquents, ... 18
Middlebury academy, ... 177
Money to be refunded in certain cases, ... 327
Montezuma canal, ... 274
Mortgages to the state, ... 354
Orleans county, ... 70
Patchin, Isaac 79
Public buildings in Albany, ... 267
Quit rents, ... 326, 327
School fund, deficiencies, investment, ... 355
St. Lawrence academy, ... 82
State prisons, ... 276, 284
Supply bill, ... 378
Thayer, J. to be paid a certain sum, ... 59
Taxes, sale suspended, ... 7
Lands to be bid in for the state, ... 327
United States' direct tax, ... 358
Ward, Jasper, investigation, ... 226
Weights and measures, ... 356
Wells, Nathan A. 351

Common Schools,

Districts in the city of Hudson, ... 92
New-York, ... 93
District number 28, town of Onondaga, ... 95
Lands belonging to school fund, ... 209
District number 13, town of Lansing, ... 106
Lewiston school fund, ... 289
Gospel and school lots, ... 23, 151, 251
Money to be paid out of school fund, ... 327
District number 4, town of Milo, ... 340
Money to be distributed, ... 350
Deficiences in fund, provision for, ... 355
School fund, how to be invested, ... 355

Conewango, (town of,)
Divided, ... 21
Section relative to Randolph and Conewango, ... 291
Conewango Creek,
Part of a public highway, ... 291
Congregations,
Election of trustees, vestrymen and church wardens, ... 34
Congress,
Senator to be elected, ... 4
Conhocton River,
Dam in, by G. McClure, ... 28
Conkling, (town of,)
Dam in, ... 58
Constables,
Fees of, in New-York, ... 230
Constitution,
Amendments to, proposed, ... 317
Contracts,
Comptroller to examine those with the state, ... 354
Convicts,
Allowance to, on being discharged, ... 54
Cooley, John C.
To keep a ferry, ... 304
Cooper, James,
To assume a middle name, ... 178
Coroners,
Fees of, regulated, ... 45
Cortland County,
Road in Preble annulled, ... 10
Meeting of the supervisors, ... 94
To elect two members of assembly, ... 336
Part of the 6th senate district, ... 336
Cotton,
Manufactory at Pleasant Valley, ... 364
Counties,
Coroner's fees regulated, ... 45
Circuit courts may be appointed in certain, ... 68
Tax on dogs, ... 149
Fisheries to be regulated, ... 245
County canvassers, duty of, in certain cases, ... 279
Superintendents of poor-houses, ... 290
Apportionment of members of assembly, ... 335
Senate district arranged, ... 336
Supervisors, act relative to, ... 345
Jurors how to be empannelled, ... 357
United States' direct tax of 1814, ... 358
County clerks to make general indexes, ... 359

County Canvassers,
Equality of votes for members of assembly, ... 279
Amendments proposed to the constitution, ... 317
County Courts,
To regulate fisheries, ... 245
Commissioners to take testimony how to return, ... 357
Tresspasses on state lands, ... 209
County Clerks,
Office to be erected in Erie county, ... 58
In Richmond county, ... 128
Clerk of New-York to give bond, ... 265
Duty of, in case of vacancy by death of member of assembly, . 279
Indentures of poor children to be filed with, ... 290
Amendments proposed to the constitution, ... 317
Commissions to take testimony, ... 357
To make general indexes to deeds and mortgages, ... 359
Court-House,
In Orleans county, ... 69
In Yates county, ... 184
Courts,
Albany, (Mayor's,) 184
Allegany county, ... 226
Chancery court, ... 146, 353
Circuit courts in 8th circuit, ... 68
Commissions to take testimony, ... 357
Columbia county, ... 95
Common pleas, see state lands, ... 209
Delaware county, ... 105
Essex county, ... 251
Fisheries to be regulated by, ... 245
Herkimer county, ... 268
Jefferson county, ... 10
Jurors, ... 357
Justices courts in certain counties, ... 79
Kings county, ... 79, 94
Montgomery county, ... 69
Oneida county, ... 160
Onondaga county, ... 77
Supreme court, February term enlarged, ... 55
Ulster county, ... 241
Covert, (town of,)
Divided, ... 15
Act dividing the same amended, ... 280
Crapoo, Peter,
Act for his relief, ... 110
Criminal Offences,
Children convicted of, how punished, ... 18
Crooked Lake,
Fishing in, ... 47
Steam-boat company incorporated, ... 342

Crown Glass,
Manufacturing company incorporated, ... 49
Crown-Point, (town of,)
Ferry at Putnam's Point, ... 26
At Long Point, ... 52
Cruttenden, Leverett,
Allowance to, ... 227

D.

Dams,
In Black river, ... 322
In Conhocton river, by G. McClure, ... 28
" by J. Cleland, ... 268
In Genesee river, by L. C. Foot and A. Martin, ... 145
" by S. King and others, ... 146
" by W. A. Mills and others, ... 180
" by George Wilson, ... 243
In lake George outlet, ... 345
In Susquehannah river, by L. Thurston and V. Whitney, ... 58
" by C. Eldridge and J. A. Collier, ... 100
" by E. Russell, ... 250
In Tioga river, by A. and J. Parshall, ... 16
" by J. P. Ryerss, ... 86
In Westchester county, ... 285
Davenport,
Town-meeting in, ... 267
Davis, James and others,
Devisees of Betsey Keith or Kip, deceased, ... 295
Davison, John,
Name changed from John Hoar, ... 6
Davis, Nathan,
Grant ordered to, ... 354
Dead Bodies,
See coroners, ... 45
Debts,
Due to the state, (see chap. 304, sec. 6,) 354
Deeds,
County clerks to make general index to, ... 359
Deer River,
Road from Stockholm to, ... 300
De Kalb Township,
Gospel, school and literature lot in, ... 278
Delaware County,
Hamden spelled correctly, ... 57
Courts in, ... 105
Town-meetings in Davenport, ... 267
Boundary line of Walton and Hamden altered, ... 281

To elect two members of assembly, ... 336
Part of second senate district, ... 336

Deposits,

Of money received for canal tolls, ... 360

Deputy Comptroller,

Salary of, ... 374

Deputy Secretary,

Salary of, ... 374

Direct Tax, (U. S. 1814,)

Act relative to, ... 358

District Attornies.

Their duty in case of trespasses on state lands, ... 209

Districts,

Arrangement of senate districts, ... 336
Circuits to correspond with, ... 336

Dogs,

Act relative to, ... 149

Doorkeepers,

Of the senate and assembly, ... 373, 227

Doty, Halsey,

Act for the relief of, ... 267

Draining,

Cayuga marshes, ... 293
Drowned lands in Orange county, ... 247

Drowned Lands,

In Orange county, ... 247
Cayuga marshes, ... 293

Dry Dock Company,

Charter amended, (New-York,) 91
Lansingburgh, incorporated, ... 235

Dutch Churches,

In Queens county, ... 99

Dutcher, Salem, junior,

Allowance to, ... 231

Dutchess County,

Ferry from Poughkeepsie to New-Paltz, ... 20
Lands in, claimed by J. J. Astor, ... 106
Road from Hyde-Park to Stanfordville, ... 137
Iron works and smelting company in, ... 314
Mechanics' humane association, ... 321
Shamrock manufacturing company, ... 329
To elect four members of assembly, ... 335
Part of the second senate district, ... 336
Pleasant-Valley manufacturing company, ... 364

E.

Edwards, Ogden,
May establish a ferry on Niagara river, ... 87

Edwards, Sarah,
Enabled to hold real estate, ... 55

Eighth Circuit,
Courts in, ... 68

Eldredge, Christopher,
May erect a dam, ... 100

Election,
Of trustees, &c. of religious societies, ... 34
In case of equality of votes for assemblymen, ... 279
Amendments to the constitution, ... 317

Elective Franchise,
Amendments to the constitution, ... 317

Ellington, (town of,)
Justices to be appointed in, ... 3

Ellisburgh Literary Society,
Incorporated, ... 154

Empannelling Jurors,
Act relative to, ... 357

Equality of Votes,
Election, in case of, members of assembly, ... 279

Equity Courts,
To order sale of lands in certain cases, ... 146

Erie Canal,
Lateral canal from, to Montezuma salt works, ... 274
Act relative to the canals, ... 360
(See Canals.)

Erie County,
Ferry at Black-Rock, ... 35
Fire-proof clerk's office to be erected in, ... 58
Jurors and justices' courts in, ... 79
Supervisors to raise money to build a bridge, ... 110
Buffalo village, ... 140
Town meetings in Amherst, ... 267
Part of Hamburgh annexed to Evans, ... 271
To elect two members of assembly, ... 336
Part of eighth senate district, ... 336

Errors,
In payment for quit-rents and taxes, ... 326

Erwin, (town of,)
Erected, ... 17

Escheated Lands,
Lot 88 Marcellus, ... 27, 30

Lot 83 Milton, ... 106
See lot 85 Milton, 64 Cato, and 44 Locke, ... 25

Essex County,

Ferry in Crown-Point, by I. Spear, ... 26
" at Long-Point, ... 52
Lands in Lewis to be granted to R. Morse, and others, ... 44
Courts in, ... 251
To elect one member of assembly, ... 336
Outlet of Lake George, dam and lock in, ... 345

Evans, (town of,)

Part of Hamburgh annexed to, ... 271

Exchequer,

Salary of the clerk of, ... 375

Excise,

Act for regulating inns and taverns amended, ... 257

Executive Chamber,

Pay of door-keeper of, ... 373

Executors,

Of William Irving, deceased, ... 33

Eye Infirmary,

Act relative to the, ... 341

F.

Fallsburgh,

Town of, erected, ... 58

Farrell, James,

Lands vested in Joanna Simpson, ... 307

Feeder of Champlain Canal,

Act relative to, ... 283

Fees,

Mileage fees of the sheriff of Monroe, ... 8
Of coroners, ... 45
Of police marshals and constables in New-York, ... 230
Of inspectors of sole leather in New-York, ... 284
Of supervisors' clerks, ... 345

Fence Viewers,

Their duty under the dog law, ... 149

Ferries,

Black river bay, Jefferson county, ... 8
Cayuga lake, at Union Springs, ... 10
Poughkeepsie and New-Paltz, ... 20
Lake Champlain, in Crown-Point, ... 26, 52
Niagara river, at Youngstown, ... 32
" at Black Rock, ... 35
" at Squaw island, ... 37
" at Lewiston, ... 301

Seneca lake, at Goodwin's Point, ... 297
Irondequoit bay, Monroe county, ... 304
Hudson river, at Put Rock and Cold Spring landing, ... 351

Fire Department,

Act relative to, in Hudson, ... 53
In Athens, ... 90

Fire Insurance Companies,

(See Insurance companies.)

First Great Western Turnpike Road,

Act relative to, ... 68

Fishery,

In Carmel, Putnam county, ... 6
In Crooked lake, ... 47
To be regulated by county courts, ... 245
In Little lake and in Greene county, ... 264

Fish, Howland,

Act for the relief of, and others, ... 333

Fish, William M.

Name changed from Middleton, ... 86

Fleming, Robert,

Ferry at Lewiston to be leased to, and others, ... 301

Flint Creek,

Act relative to, amended, ... 47

Flushing and Huntington Northern Turnpike,

Company incorporated, ... 162

Folsom, Ezra C.

To keep a ferry, ... 8

Fort Ann, (town of,)

Act relative to wolves in, ... 147

Fort Edward Bridge,

Company incorporated, ... 222

Fortifications,

On Staten Island, to be surveyed, ... 231

Fort Miller Bridge Company,

Act relative to, ... 104

Franchise, (Elective,)

See amendments to the constitution, ... 317

Franklin County,

Jurors and justices' courts in, ... 79
Tenth section of wolf law of 1822 repealed, ... 178
To elect one member of assembly, ... 336

Franklin Patent,

Quit-rents on, sale suspended, ... 9

Franklin, W. Temple,

Commutation of quit-rents on his lands, ... 9

Frazer, Donald,
To keep a ferry, ... 35

G.

Galen, (town of,)
Gospel and school lot in, ... 351
Gelley, Elizabeth,
Act for her relief, ... 15
General Index,
To deeds and mortgages in counties, ... 359
Genesee River,
Dams in, ... 145, 146, 180, 243
Genesee County,
Town-meetings in Castile, ... 46
Jurors and justices courts in, ... 79
Poor in, ... 134
Middlebury academy, ... 177
Bridge over Tonewanta creek, ... 217
Town of Gerrysville erected, ... 302
To elect three members of assembly, ... 336
Part of 8th senate district, ... 336
Gerrysville,
Town of, erected, ... 302
Glass,
Crown glass company incorporated, ... 49
Goodell, Richard,
Money to be paid to his widow, ... 375
Gospel and School Lots,
General act of 1813, relative to, amended, ... 23
In Owego, Tioga county, ... 131
In Gouverneur and Morristown, St. Lawrence county, ... 251
In Salina, Onondaga county, ... 266
In Sidney and De Kalb, ... 278
In Galen, ... 351
Gouverneur, Samuel,
To keep a ferry, ... 351
Governeur, (town of,)
Gospel and school lots in, ... 251
Governor,
His duty relative to erecting hospitals, ... 18
Under acts ceding land to the United States, ... 67, 281
Inspectors of leather in Madison and Montgomery, ... 99
To employ counsel to defend certain suits, ... 106
Fortifications on Staten Island to be surveyed, ... 231
Vacancies in case of death of members of assembly, ... 279
Inspectors of leather, in Ulster, Oneida, and Jefferson, ... 283

In Troy, Ontario and New-York, ... 284
Incidental expenses, ... 373
Pay of his door-keeper, ... 373
Rent and taxes of his house, ... 374
Allowance for settling accounts with the United States, ... 374

Grants of Lands,
When patentee died before issuing patent, ... 376

Great Western Turnpike Road,
Act relative to the first, ... 68

Gravesend, and Coney Island Road and Bridge,
Act relative to, ... 179

Greenbush and Troy Turnpike,
Incorporated, ... 220

Greenbush, (town of,)
Road in, ... 45

Greene County,
Poor-house in, ... 3
Catskill mountain association, ... 42
Catskill mechanical society, ... 80
Firemen in Athens, ... 90
Fisheries in, ... 264
To elect two members of assembly, ... 335

Greenfield Turnpike Company,
Act relative to, ... 295

Gridley, John,
Act for the relief of, and others, ... 95

H.

Hall, George,
Act for the relief of, and others, ... 95

Hamburgh, (town of,)
Part of, annexed to Evans, ... 271

Hamden, (town of,)
Orthography corrected, ... 57
Boundaries of, altered, ... 281

Hamilton College,
Sidewalks in Clinton village, ... 130

Hamilton County,
To be considered part of Montgomery, ... 336

Hamilton, Sarah,
Act for her relief, ... 358

Hammond, Jabez D.
Allowance to, ... 231

Hanks, Elisha,
Act for the relief of, and J. Spalding, ... 239

Hannibal, (town of,)
Collector of taxes in, relieved, ... 17
Hardenburgh, Philip,
Land to be granted to, ... 27
Harlaem Canal Company,
Incorporated, ... 369
Harlaem Springwater Company,
Incorporated, ... 337
Harris, Gideon,
Pay of, ... 373
Haverstraw, (town of,)
Lands in, vested in the United States, ... 65
Hayes, Solomon,
Pay to, ... 373
Hazard, George V.
Act for the relief of, and D. Austin, ... 340
Health Officers,
To report money received for marine hospital, ... 18
Hector, (town of,)
Ferry across Seneca lake, ... 297
Herkimer County,
Little Falls aqueduct association, ... 212
Courts in, ... 268
Village of Little Falls incorporated, ... 308
To elect three members of assembly, ... 336
Highland Turnpike Road,
Act relative to, ... 142
Highways,
General act of March 1813 amended, ... 228
(See Roads.)
Historical Society,
Act relative to, ... 29
Hoar, John,
Authorised to change his name, ... 6
Holley, Myron,
Amount paid J. Thayer to be charged to, ... 59
Act relative to property conveyed by, ... 328
Act for his relief, ... 353
Hollister, Samuel,
Lot to be granted to, ... 36
Hooker, Increase M. and others,
To be allowed certain expenses, ... 294
Hope Insurance Company,
Act relative to, ... 225

Hornby, (town of,)
Erected, ... 17
Horse Racing,
Act relative to, ... 86
Hotchkiss, William and others,
Ferry at Lewiston to be leased to, ... 301
House of Assembly,
Apportionment of members of, ... 335
Contingent expenses of, ... 377
House Carpenters' Association,
Incorporated, ... 56
Howe, Daniel F.
Grant to be made to, and others, ... 106
Hudson, (City of,)
Fire department in, ... 53
Coroners' fees, ... 45
School districts in, ... 92
Hudson River,
Ferries across, ... 351, 20
Steam-boats navigating, ... 252
Hunt, Theodosius,
To erect a dam, ... 285
Hydraulic Works,
Cohoes company, ... 70
Lansingburgh dry-dock, ... 235
See act relative to canals, ... 360

I.

Indentures,
Children in poor-houses may be bound out, ... 290
Indians,
Settlers on Stockbridge lands, ... 21, 36
Privilege of ferriage to the Six Nations, ... 39
Act relative to Indians amended, ... 139
Treaty of 1826, with Oneida Indians confirmed, ... 354
Indices,
To deeds and mortgages in counties, ... 359
Infectious and Contagious Diseases,
Notices how to be served in New-York in case of, ... 12
Health officers to report to comptroller, ... 18
Infirmary,
New-York eye infirmary, ... 341
Inns and Taverns,
Act for regulating, &c. amended, ... 257
Inquisition,
See coroners, ... 45

Inspection of Beef and Pork,
Act relative to, amended, ... 40
Inspectors of Election,
See amendments to the constitution, ... 317
In case of equality of votes for members of assembly, ... 279
Inspectors of Sole Leather,
In Madison and Montgomery, ... 99
In Ulster, Oneida, Jefferson, Troy, Ontario and New-York, .. 283
Fees of, in New-York, ... 284
Insurance Companies,
La Fayette, act amended, ... 90
Anchor, altered from La Fayette, ... 90
North American, incorporated, ... 168
Hope, act amended, ... 225
Madison marine, act amended, ... 269
Monroe Fire, act revived, ... 275
Internal Navigation,
Steam-boats on Hudson river, ... 252
(See Canals, and Navigation Internal.)
Intrusions,
On state lands, ... 209
Irondequoit Bay,
Ferry across, in Monroe county, ... 304
Iron Works,
And smelting company, incorporated, ... 314
Irving, William, deceased,
Act relative to his estate, ... 33
Ithaca,
Act relative to the village of, ... 105
Academy in, ... 296

J.

Jails,
To be erected in Orleans county, ... 69
" in Rensselaer county, ... 139
" in Yates county, ... 184
Jefferson County,
Ferry across Black river bay, ... 8
Courts in, ... 10
Jurors and justices' courts in, ... 79
Watertown water company incorporated, ... 131
Literary society in Ellisburgh, ... 154
Village of Watertown, ... 256
Inspector of sole leather in, ... 283
Surplus waters in Black river, ... 322
To elect three members of assembly, ... 336

Jenkins, Franklin,
Land to be granted to, ... 44
Jevon, William,
Title to land adjoining his patent quieted, ... 356
Johnstown Academy,
Act relative to, ... 90
Judges of County Courts,
Justices in Ellington to be appointed, ... 3
" in Columbia and Onondaga, ... 37
Their duty under act relative to state lands, ... 209
Commissions to take testimony, ... 357
Jurisdiction,
Of lands ceded to United States at Stoney-Point, ... 65
" " at West-Point, ... 46
" " at New-Utrecht, ... 281
Jurors,
Act relative to, in certain counties, ... 79
How to be empannelled and ballotted for, ... 357
Justices of the Peace,
To be appointed in Ellington, ... 3
" in Columbia and Onondaga counties, ... 37
Justices' courts in certain counties, ... 79
Election of, by the people, ... 317
Justices of the Supreme Court,
To act as state canvassers in certain cases, ... 320
Juvenile Delinquents,
To be received in the house of refuge, New-York, ... 18
Allowance to sheriffs for transporting them, ... 19

K.

Kemp, Sarah Campbell,
Act for the relief of her heirs, ... 211
Ketchum, Thomas,
To keep a ferry, ... 351
Keith, (or Kip,) Betsey,
Act for the relief of her devisees, ... 295
King, Rufus,
His place to be supplied in the senate of the United States ... 4
Kings County,
Courts in, ... 79, 94
Roads in, ... 129
Cession to U. States at New-Utrecht, ... 281
Supervisor of Brooklyn to convey land, ... 294
To elect one member of assembly, ... 335
Kinney, Isaac,
Act for his relief, ... 17

Kip, (or Keith,) Betsey,
Act for the relief of her devisees, ... 295
Knettles, Joseph,
Grant to be made to, and others, ... 106

L.

La Fayette Insurance Company,
Name changed, ... 90
Lake George,
Act to improve navigation of outlet, ... 345
Lamb, Amasa,
Act for the relief of, and H. Doty, ... 267
Land-Office,
(See Lands, and Commissioners of the Land-Office.)
Lands,
Advertisements, ... 327
Aliens, ... 348
Astor, John Jacob, claim of, ... 106
Austin, Moses, compensation to, ... 80
Black-Rock, surveys at, ... 147
Bounty lands, ... 110, 307
Burial grounds, ... 47
Canal fund lands, ... 74, 328
Cato, lot No. 64, (unpatented,) 25
Cemeteries, ... 47
Colored persons in New-Stockbridge, ... 133
Conditions of sale of state lands, ... 209, 354
Crapoo, Peter, ... 110
Davis, Nathan, ... 354
Deceased patentees, ... 376
De Kalb school lot, &c. 278
Dutchess and Putnam, lands in, ... 106
Essex county, R. Morse and others, ... 44
Fortifications on Staten Island, ... 231
Gardner, William, ... 36
Gospel, and school and literature lots, ... 23, 278
Hamilton, Sarah, ... 358
Hardenburgh, Philip, ... 27
Holley, Myron, ... 328, 353
Hollister, Samuel, ... 36
Lansing, school district No. 13 in, ... 106
Locke, lot No. 44, (unpatented,) 25
Long sault island, ... 354
Mill sites at Oswego falls, ... 244
Milton, lot No. 85, (unpatented,) 25
Minier, Abraham, and others, (school trustees,) 106
Morris, Roger, and wife, ... 106
New-York corporation, ... 43
Oneida Indians, (purchase of 1826,) 354

Oswego falls, mill sites at, ... 244
Otsequette's patent, ... 252
Partition of lands, ... 146
Patents to deceased persons, ... 376
Quit-rents, ... 326
Reid, Jane, ... 307
Resident aliens, ... 348
Sales of state lands, conditions of, ... 209, 354, 377
Sanborn Benjamin, ... 52
Sidney school lots, ... 278
Simpson, Joanna, ... 307
State lands, sale of, ... 209, 354, 377
Stiles, John, ... 359
Stockbridge, settlers on lands in, ... 21, 36, 133
Supervisors, burial grounds, ... 47
Surveys, ... 44, 147, 231, 354
Tupper, Nathan's, heirs, ... 307
Trumbull, Benjamin, ... 30
United States' cession at Stoney-Point, ... 65
" " at West-Point, ... 46
" " at New-Utrecht, ... 281
Ulster county, titles to lands in, quieted, ... 356
Wallis, Daniel, ... 30
Wainer, Thomas, ... 36

Lansingburgh,

Dry dock company incorporated, ... 235
Town-meetings in, ... 247

Lansing, (town of,)

Road in, ... 23
Lot No. 85 in, (unpatented,) 25
School district No. 13 in, ... 106

Larned, Samuel,

Act for the relief of, amended, ... 59

Laws,

Revisors of, paid $500 each, ... 375

Leather,

Inspectors of, in Montgomery and Madison, ... 99
In Ulster, Oneida, Jefferson, Troy, Ontario and New-York, 283
Fees of inspectors in New-York, ... 284

Legislature,

Contingent expenses of, ... 377

Lehigh Coal Company,

Incorporated, ... 272

Letters Patent,

Issued after death of patentee, confirmed, ... 376

Lewis County,

Jurors and justices' courts in, ... 79
Lowville academy, ... 85
To elect one member of assembly, ... 336

Lewiston,
Act relative to school fund of, ... 239
Ferry at, and academy in, ... 301
Light-House,
To be erected at Stoney-Point, ... 65
Literature Fund,
Money to be refunded out of, in certain cases, ... 327
Literature Lots,
In Owego, county of Tioga, ... 151
Lot 24 Ulysses, (See Ovid academy,) 166
In Sydney and De Kalb, ... 278
Literary Society,
In Ellisburgh, incorporated, ... 154
New-York Atheneum, ... 332
Little Falls,
Aqueduct association, ... 212
Village of, incorporated, ... 308
Little Lake,
Fishery in, ... 264
Livingston County,
Act relative to, part of Avon annexed to Rush, ... 81
To elect two members of assembly, ... 336
Part of eighth senate district, ... 336
Loans,
School fund to be invested in canal stock, ... 355
Lockport Turnpike Road,
Company incorporated, ... 303
Locke, (township of,)
Lot No. 44 in, ... 25
Lodi,
Town of, erected, ... 15
Act amended, ... 280
Long Causeway Turnpike Road,
Act relative to, ... 104
Long-Point,
Ferry at, by S. Foot, junior, ... 52
Long-Pond,
Fishery in, ... 6
Long-Pond Turnpike Company,
Incorporated, ... 219
Long Sault Island,
To be surveyed and sold, ... 354
Lotteries,
Act relative to the Albany lottery, ... 207

Low Dutch Churches,
In Queens county, ... 99
Lowville Academy,
Act relative to, ... 85
Ludlowville, (village of,)
Road from, to the mouth of Salmon creek, ... 23
Lysander,
Town meetings in, ... 46

M.

MacGregor, Alexander,
Act for the relief of, ... 277
McClure, George,
To continue or rebuild a dam, ... 28
Madison County,
Lot in Lenox to be granted to S. Hollister, ... 36
Inspector of sole leather in, ... 99
To elect three members of assembly, ... 336
Madison Marine Insurance Company,
Act relative to, ... 269
Madrid, (town of,)
Lands in, confirmed to David A. Ogden, ... 322
Mahopack Pond,
Fishery in, ... 6
Mail,
Commissions to take testimony may be returned by, ... 357
Manufacturing Companies,
Cohoes, ... 70
Dutchess county iron works, ... 314
New-York crown glass, ... 49
Oneida, ... 48
Oriskany, ... 242
Pleasant-Valley, ... 364
Saratoga, ... 175
Shamrock, ... 329
Manumission of Slaves,
Act relative to society in New-York, ... 77
Marcellus, (town of,)
Part of lot 88 granted to P. Hardenburgh, ... 27
" " to D. Wallis and B. Trumbull, ... 30
Marine Hospital,
Monies received for, to be reported, ... 18
Marine Insurance Companies,
(See Insurance Companies.)

Marion, (town of,)
Formerly named Winchester, ... 246
Marshals,
Fees of, in New-York, ... 230
Marshes,
Act for draining Cayuga marshes, ... 293
Maxwell, David,
Owner of the Long Causeway turnpike road, ... 104
Mechanics' Humane Association,
Act relative to, ... 321
Medical Society of Niagara County,
Act relative to, ... 28
Members of Assembly,
Election for, in case of equality of votes, ... 279
Apportionment of, ... 335
Messengers,
Of senate and assembly, ... 373
Mexican Company,
Incorporated, ... 143
Middlebury Academy,
Act relative to, ... 177
Middleton, William,
Name changed, ... 80
Military Academy,
At Whitesborough, ... 367
Military Tract,
Act relative to gospel and school lots in, ... 23
Lots 85 Milton, 64 Cato, and 44 Locke, ... 25
Lot 88 Marcellus, ... 27, 30
Lot 83 Milton, ... 106
Lot 24 Ulysses, ... 166
Grant ordered to Peter Crapoo, ... 110
" to the heirs of N. Tupper, ... 307
Mills and Mill Sites,
At Oswego falls, ... 244
Mill feeders in Jefferson county, ... 322
Mills, William A.
To erect a dam, ... 180
Milo, (town of,)
School district No 4 in, ... 340
Milton, (township of,)
Lot No. 85 in, ... 25
Part of lot No. 83 in, ... 106
Mines,
Mexican Company, ... 143

Minier, Abraham,
Grant to be made to, and others, ... 106
Mohawk and Hudson Rail Road,
Company incorporated, ... 286
Monroe County,
Sheriff's mileage fees, ... 8
Act relative to part of Avon annexed to Rush, ... 81
Village of Rochester incorporated, ... 112
Monroe fire insurance company, ... 275
Ferry across Irondequoit bay, ... 304
To elect three members of assembly, ... 336
Part of the eighth senate district, ... 336
Montezuma Salt Works,
Lateral canal to, ... 274
Montgomery County,
Courts in, ... 69
Johnstown academy, ... 90
Inspector of sole leather in, ... 99
Canajoharie academy, ... 155
To elect three members of assembly, ... 335
Hamilton county to be considered part of, ... 335
Morris, Roger, and Wife,
Claims to lands formerly belonging to, ... 106
Morristown,
Gospel and school lot in, ... 251
Morse, Ralsey,
Lands to be granted to, ... 44
Mortgages,
Act declaratory of act amending the act concerning, ... 295
Comptroller to examine state mortgages, ... 354
County clerks to make index to, ... 359
Mount-Morris,
Dam at, ... 180, 243
Mount-Pleasant,
State prison at, ... 54
Mud-Pond,
Fishery in, ... 6

N.

Nassau, (town of,)
Act for the relief of A. Lamb and H. Doty, ... 267
Navigation Internal,
Neversink river, ... 78
Of the Hudson river by steam-boats, ... 252
Canal to Montezuma salt works, ... 274
St. Lawrence river, ... 322

Outlet of Lake George, ... 345
Act relative to canals, ... 360
(See Canals.)

Neversink Bridge Company,

Incorporated, ... 232

Neversink River,

Navigation of, ... 78

Nevisink, (town of,)

Divided, ... 53

Newburgh, (village of,)

Act relating to, ... 59

New-Paltz,

Ferry company, ... 20

New-Rochelle Academy,

Incorporated, ... 182

New-Stockbridge,

Occupants of lands in, ... 21, 31, 133

New-York, (city and county of,)

Anchor insurance company, ... 90
Assembly, eleven members to be elected, ... 335
Assistance society, ... 180
Atheneum incorporated, ... 332
County clerk to register notices and protests, ... 13
" to give bond, ... 265
Common schools, ... 93
Coroners' fees, ... 45
Constables' fees, ... 230
Crown glass company, ... 49
Dry dock company, ... 91
Eye infirmary, ... 341
Fees of constables and marshals, ... 230
" of inspectors of sole leather, ... 284
Free school, ... 19
Harlaem canal company, ... 369
Harlaem spring-water company, ... 337
High school, ... 24
Historical society, ... 29
Hope insurance company, ... 225
House carpenters' association, ... 56
Improvements in the city, ... 43, 155
Insurance companies, ... 90, 168, 225, 269
Juvenile delinquents, ... 18
La Fayette insurance company, ... 90
Lehigh coal company, ... 272
Madison marine insurance company, ... 269
Manumission society, ... 77
Marshals' fees, ... 230
Mexican company, ... 143
Mortgages, ... 295
North-American insurance company, ... 168

Police constables and marshals, ... 230
Protests and notices, ... 12
Public school, ... 19
Public stock to be created, ... 76
Schools, ... 19, 24, 93
Sheriff, ... 227, 279
St. Andrews society, ... 269
Sole leather inspector, ... 284
State prison, ... 284
Tax, ... 75

Niagara County,

Medical society in, ... 28
Ferry at Youngstown, ... 32
" at Black-Rock, ... 35
" at Squaw Island, ... 37
" at Lewiston, (to be leased) 301
Jurors and justices' courts in, ... 79
Long causeway turnpike road, ... 104
See poor-houses, ... 231
Lewiston school fund, ... 239
Academy at Lewiston, ... 301
To elect one member of assembly, ... 336
Part of eighth senate district, ... 336

Niagara River,

Ferry at Youngstown, ... 32
" at Black Rock 35
" at Squaw Island, ... 37
" at Lewiston, ... 301

North American Insurance Company,

Incorporated, ... 168

North-Hempstead,

Low Dutch church in, ... 99

Nunda, (town of,)

Dam in, ... 145

O.

Oake, Abraham,

Allowance to, ... 375

Occupants,

Of Stockbridge lands, ... 21, 133
Of lots 85 Milton, 64 Cato, and 44 Locke, ... 25
Of Otsequette's patent, ... 252
Of gospel and school lots in Sidney and De Kalb, ... 278

Officers,

Act for the appointment of certain, extended, ... 44
Election of church officers, ... 34
Justices of the peace, ... 317

Ogden, David A.

Certain lands confirmed to, ... 322

Ogdensburgh,
Road to be annexed to the village of, ... 257
Turnpike road, ... 296

Oneida County,
Meeting of supervisors, ... 5
Utica Lyceum incorporated, ... 13
Village of Bridgewater, ... 29
Utica horticultural society, ... 31
Manufacturing society, ... 48
Bridgewater academy incorporated, ... 96
Side-walks in Clinton village, ... 130
Courts in, ... 160
Utica aqueduct company, ... 172
Oriskany manufacturing company, ... 242
Inspector of sole leather in, ... 283
Steuben academy, ... 334
To elect five members of assembly, ... 336
Congregational society in Bridgewater, ... 341
Treaty with Oneida Indians, ... 354
Military academy at Whitesborough, ... 367
Whitesborough academy, ... 369

Oneida Indians,
Treaty with, ratified, ... 354

Oneida Manufacturing Society,
Act relative to, ... 48

Onondaga County,
Town meetings in Camillus, ... 7
Act to appoint justices in, ... 37
Town meetings in Pompey and Lysander, ... 46
Courts in, ... 77
Salina, village of, ... 83
Rock salt, ... 91
School district No. 28 in the town of Onondaga, ... 95
Gospel and school lot in Salina, ... 266
To elect four members of assembly, ... 336

Ontario County,
Act relative to Flint creek, ... 47
Town-house in Canandaigua, ... 111
Road from Ontario to Palmyra, ... 152
Inspector of sole leather in, ... 284
To elect three members of assembly, ... 336

Orange County,
Lands ceded to United States at West-Point, ... 46
Village of Newburgh, ... 59
Bridge over the Wallkill, ... 218
" over the Neversink, ... 232
Drowned lands in, ... 247
To elect three members of assembly, ... 335
Part of the second senate district, ... 336
Ferry at Put Rock, ... 351

Orange and Sussex Canal,
Act relative to, ... 138
Oriskany Manufacturing Company,
Act relative to, ... 242
Orleans County,
Court-house and jail to be erected in, ... 69
Town of Shelby divided, ... 302
To elect one member of assembly, ... 336
Part of 8th senate district, ... 336
Ossian,
Town of, divided, ... 57
Oswego County,
I. Kinney, collector of Hannibal, relieved, ... 17
Rensselaer Oswego academy incorporated, ... 158
Mills and mill sites at Oswego falls, ... 244
To elect one member of assembly, ... 336
Oswego Falls,
Mills and mill sites at, ... 244
Otsego County,
Annual meeting of the supervisors, ... 25
To elect four members of assembly, ... 336
Part of the sixth senate district, ... 336
Otsequette's Patent,
Act for the sale of, ... 252
Ovid Academy,
Incorporated, ... 164
Owego, (town of,)
Gospel, school and literature lot in, ... 151
Oyster Bay,
Low Dutch church in, ... 99

P.

Painted-Post,
Town of, divided, ... 17
Parshall, Asa and Isaac,
May erect a dam, ... 16
Partition of Lands,
Act relative to, amended, ... 146
Partnerships,
Act relative to, amended, ... 30
Passengers,
Act for the safety of, in steam-boats, ... 252
Patchin, Isaac,
Act for the relief of, ... 70

Patents for Land,
Issued after death of patentee, confirmed, ... 376
Paul, Rev. Nathaniel,
Allowance to, ... 375
Paupers,
Children of, may be bound out, ... 290
(See poor-houses.)
Pembroke,
Town of, divided, ... 302
Penfield, Henry F.
May establish a ferry, ... 37
Phillips, John,
To keep a ferry, ... 32
Pine Orchard,
On the Catskill mountains, ... 42
Pleasant and Stoney Creeks,
To receive surplus waters of Black river, ... 322
Pleasant-Valley,
Manufacturing company, ... 364
Police-Office,
In New-York, fees regulated, ... 230
Pompey,
Town meetings in, ... 46
Poor-Houses,
One to be erected in Greene county, ... 3
Exempted from taxation, ... 7
In Genesee county, ... 134
In Schenectady county, ... 135
General act relative to, amended, ... 290, 231
Children may be bound out, ... 290
Poor,
Children in poor-houses may be bound out, ... 290
(See Poor-houses.)
Popham, William,
Salary of, ... 375
Port-Bay, (town of,)
Erected, ... 40
Poughkeepsie,
Ferry company, ... 20
Mechanics' humane association, ... 321
Prisons,
(See Jails and State Prisons.)
Protests,
Act relative to, in New-York, ... 12

Public Buildings,
In Albany, addition to be made to, ... 267
Public Lands,
Act for the sale of, and to prevent trespasses on, ... 209
Public Stock,
To be created in New-York, ... 76
Putnam County,
Fisheries in Carmel, ... 6
Lands in, claimed by J. J. Astor, and others, ... 106
To elect one member of assembly, ... 335
Part of the second senate district, ... 336
Ferry at Cold Spring landing, ... 351
Put Rock,
Ferry at, ... 351

Q.

Queens County,
Horse racing, ... 86
Low Dutch churches in, ... 99
Roads in, ... 129
Lands belonging to J. Renwick and others, ... 211
To elect one member of assembly, ... 335
Quit-Rents,
Sale of lands for, in Franklin patent, suspended, ... 9
Act relative to lands sold for, ... 326

R.

Racing,
Act relative to horse racing, ... 86
Rail Road,
Mohawk and Hudson, incorporated, ... 286
Recording,
Of mortgages, in the city of New-York, ... 295
Records of Deeds and Mortgages,
General Indexes to be made to, ... 359
Regents of the University,
Ithaca academy subject to the visitation of, ... 296
Trustees of eye infirmary to account to, ... 341
(See Academies.)
Register's Office, New-York,
Mortgages to be recorded in, ... 295
Reid, Jane,
Act for her relief, ... 307
Religious Societies,
Act relative to, amended, ... 34

Rensselaer County,

Road in Greenbush and Schodack, ... 45
Rensselaer school incorporated, ... 63
Jail in, ... 139
Lansingburgh dry dock, ... 235
Town meetings in Lansingburgh, ... 247
Act for the relief of A. Lamb and H. Doty, ... 267
Mechanics' humane association, ... 321
To elect four members of assembly, ... 335

Rensselaer Oswego Academy,

Incorporated, ... 158

Rensselaer School,

Incorporated, ... 63

Renwick, James, and others,

Act for their relief, ... 211

Repacking of Beef and Pork,

Act relative to, amended, ... 40

Resident Aliens,

Act relative to, ... 348

Revisors of the Laws,

Allowance to, ... 375

Richmond County,

Clerk and surrogate's offices to be erected, ... 128
Fortifications in, to be surveyed, ... 231
To elect one member of assembly, ... 335

Roads,

In Preble, annulled, ... 10
From Ludlowville to Cayuga lake, ... 23
On the Catskill mountains, to the falls, ... 42
In Greenbush, Schodack and Stuyvesant, ... 45
Flint creek, Ontario county, ... 47
Neversink river, ... 78
In Suffolk, Queens and Kings, ... 129
From Hyde-Park to Stanfordville, ... 137
From Ontario to Palmyra, ... 152
Highway act amended, ... 228
Tonewanta creek, ... 245
In Ogdensburgh, ... 257
In Ulster county, ... 271
Mohawk and Hudson rail road, ... 286
Conewango creek, ... 291
In Rockland county, ... 292
From Rensselaerville to Greenfield, ... 295
Ogdensburgh turnpike road, ... 296
From Stockholm to Deer river, ... 300

Rochester, (village of,)

Incorporated, ... 112
Monroe fire insurance company in, ... 275

Rockland County,
Lands ceded to United States at Stony-Point, ... 65
Road in, ... 292
To elect one member of assembly, ... 335
Part of the second senate district, ... 336

Rock Salt,
In Onondaga county, ... 91

Rogers, Pelatiah,
Agent for property conveyed by Myron Holley, ... 328

Rose, (town of,)
Erected, ... 40

Rush, (town of,)
Act relative to part of Avon annexed to, ... 81

Russell, Elmore,
To build a dam, ... 250

Ryerss, John P.
May erect a dam, ... 86

Rye, (town of,)
Act relative to, ... 94
Academy in, ... 152

S.

Salaries,
Of canal commissioners, ... 360
Supply bill, ... 373

Sale of State Lands,
Conditions of, ... 209, 354

Salina,
Gospel and school lot in, ... 266
Village of, ... 83

Salt,
B. Byington may search for rock salt, ... 91

Sanborn, Benjamin,
Act for the relief of, ... 52

Saratoga County,
Manufacturing company incorporated, ... 175
Ballston Spa village, ... 247
Saratoga Springs village, ... 258
Methodist society, Saratoga Springs, ... 295
To elect three members of assembly, ... 335

Saratoga Manufacturing Company,
Incorporated, ... 175

Saratoga Springs,
Village of, incorporated, ... 258
Methodist society of, to receive a devise, ... 295

Savannah, (town of,)
Gospel and school in Galen, ... 351

Schenectady County,
Water-works of the city, ... 67
Poor-house in, ... 135
Rail road to Albany, ... 286
To elect one member of assembly, ... 335

Scientific and Military Academy,
Instituted at Whitesborough, ... 367

Secretary of State,
His duty under the act relative to public buildings, ... 267
" under act relative to amending the constitution, ... 317
Common school money to be distributed, ... 350
Weights and measures to be purchased, ... 356
Deputy's salary, ... 374

Senator to Congress,
Act to provide for the election of, ... 4

Seneca Indians,
Act relative to, ... 139

Seneca River,
Swamp lands in the valley of, to be drained, ... 293

Sempronius, (town of,)
Church in, ... 184

Senate,
Committee on the conduct of J. Ward, ... 226
Senate districts arranged, ... 335
Circuits to correspond with senate districts, ... 336
Pay to clerk for index to journals, ... 373
" to sergeant-at-arms and doorkeeper, ... 373
Extra clerk hire and deputy, ... 374
Contingent expenses of the senate, ... 377

Seneca County,
Town of Lodi erected from Covert, ... 15
Ovid academy incorporated, ... 164
Act to divide the town of Covert amended, ... 280
To elect two members of assembly, ... 336

Seneca Lake,
Ferry across, ... 297

Sergeants-at-Arms,
Pay of, ... 373

Servants,
Children in poor-houses may be bound out, ... 290

Settlers,
On Stockbridge lands, ... 21, 86, 133
On lots 85 Milton, 64 Cato, and 44 Locke, ... 25
On the Otsequette patent, ... 252

Schodack, (town of,)
Road in, ... 45

Schoharie County,
Fishery in Little lake, ... 264
To elect two members of assembly, ... 335

Schoharie Turnpike Road,
Eastern branch, ... 244
Western branch, ... 250

School Fund,
Lands belonging to, how to be sold, ... 209
Lewiston school fund, ... 239
Certain monies to be paid out of, ... 327
Amount to be distributed increased, ... 350
Deficiencies in, provision for, ... 355
To be invested in canal stock, ... 355

Schools,
Free school New-York, title altered, ... 19
School and gospel lots, ... 23
High school, New-York, ... 24
Rensselaer school, in Troy, ... 63
New-York manumission society, ... 77
School districts in Hudson, ... 92
Common schools in New-York, ... 93
District No. 28, town of Onondaga, ... 95
District No. 13, town of Lansing, ... 106
School lot in the town of Owego, ... 151
School fund land, sales how to be made, ... 209
Lewiston school fund, ... 239
School lots in Governeur and Morristown, ... 251
School lot in Salina, ... 266
School lots in Sidney and De Kalb, ... 278
District No. 4 in the town of Milo, ... 340
School money ($100,000) to be distributed, ... 350
Deficiencies in school fund, provision for, ... 355
School fund how to be invested, ... 355

Shamrock Manufacturing Company,
Incorporated, ... 329

Sheep,
See dog law, ... 149

Shelby,
Town of, divided, ... 302

Sheriffs,
Mileage fees of sheriff of Monroe county, ... 8
Allowance to, for transporting juvenile delinquents, ... 19
Their duty relative to trespassers on state lands, ... 209
Of New-York and Albany, in case of certain vacancies, ... 280
See act relative to the canals, ... 360

Sidney, (township of,)
Gospel, school and literature lot in, ... 278

Simpson Joanna,
Act for the relief of, ... 307
Slaves,
Act relative to the manumission society, ... 77
Smelting Company and Iron Works,
In Dutchess county, ... 314
Smith, David M. and others,
Ferry at Lewiston to be leased to, ... 301
Societies,
Assistance, New-York, ... 180
Catskill, mechanical, ... 80
Congregational, Sempronius, ... 184
" Bridgewater, ... 340
Ellisburgh, literary, ... 154
High school, New-York, ... 24
Historical, New-York, ... 29
Horticultural, Utica, ... 31
Juvenile delinquents, reformation of, New-York, ... 18
Medical, Niagara, ... 28
Methodist, Saratoga Springs, ... 295
Mechanics' humane association, ... 321
Oneida manufacturing, ... 48
Public school, New-York, ... 19
Religious societies, ... 34
St. Andrews, New-York, ... 269
Sole Leather,
Inspectors of, in Madison and Montgomery, ... 99
" in Ulster, Oneida and Jefferson, ... 283
" in New-York, Troy and Ontario, ... 284
Spalding, Jared,
Act for the relief of, and E. Hanks, ... 238
Spear, Isaac,
May keep a ferry, ... 26
Spring-Water (Harlaem) Company,
Incorporated, ... 337
Squaw Island,
Ferry at, ... 37
Standard of Weights and Measures,
For assistant state sealer, Albany, ... 356
St. Andrews Society,
Of New-York, incorporated, ... 269
Stage Coaches and Wagons,
Act for the safety of travellers in, ... 252
Starkey, John,
To keep a ferry, ... 297
State Lands,
Acts for the sale of, ... 354, 209

Staten Island,
Survey of fortifications on, to be made, ... 231
State Prison,
At Mount-Pleasant, ... 54
Auburn prison to be visited, ... 276
Appropriation for the prisons, ... 284
Steam-Boats,
Act for the safety of passengers in, ... 252
Crooked lake steam-boat company, ... 342
Sterling, (township of,)
Lot No. 88 to be released to the state, ... 100
Grant in, to be made to Peter Crapoo, ... 110
" to the heirs of N. Tupper, ... 307
Steuben Academy,
Incorporated, (Oneida county,) 334
Steuben County,
Towns of Erwin and Hornby erected, ... 17
Act to annex part of, to Yates county, amended, ... 26
Dam in Conhocton river, by G. McClure, ... 28
Fishery in Crooked lake, ... 47
Poor-house, ... 231
Taxes in Bath, ... 238
Dam in Conhocton river, by J. Cleland, ... 268
Bath and Sparta turnpike road, ... 299
To elect two members of assembly, ... 336
Part of the sixth senate district, ... 336
Crooked lake steam-boat company, ... 342
Stevenson, J. E. W.
To erect a dam, ... 285
Stiles, Henry,
May execute conveyances, ... 359
Stiles, John,
Act for the relief of his heirs and devisees, ... 259
St. Lawrence Academy,
Act relative to, ... 82
St. Lawrence County,
Jurors and justices' courts in, ... 79
Academy in, ... 82
Gospel and school lots in Governeur and Morristown, ... 251
Road in Ogdensburgh, ... 257
Road from Stockholm to Deer river, ... 300
Lands in Madrid confirmed to D. A. Ogden, ... 322
To elect two members of assembly, ... 336
Long sault island to be surveyed, ... 354
Stock,
School fund may be invested in canal stock, ... 355
Canal stock, ... 360
Public stock in New-York, ... 76

Stockbridge Lands,
Settlers on, ... 36, 133
Stockholm, (town of,)
Road in, to Deer river, ... 300
Stony Point,
Lands at, vested in the United States, ... 65
St. Regis Indians,
Act relative to, ... 139
Stuyvesant, (town of,)
Road in, ... 45
Suffern, Edward,
Pay of, ... 374
Suffolk County,
Roads in, ... 129
To elect two members of assembly, ... 335
Suits,
In Yates and Steuben counties, ... 26
(See Courts.)
Sullivan County,
Town of Fallsburgh erected, ... 58
To elect one member of assembly, ... 335
Part of second senate district, ... 336
Supervisors,
Brooklyn, land to be conveyed, ... 294
Burial-grounds, lands to be taken for, ... 47
Cattaraugus county, tax to build a bridge, ... 110
Clerk of supervisors, ... 345
Chautauque county, justices in Ellington, ... 3
Columbia county, justices in, ... 37
Coroners' fees, ... 45
Cortland county, road in Preble, ... 10
" annual meeting of, ... 94
Erie county, clerk's office, ... 58
" tax to build a bridge in, ... 110
General index to deeds and mortgages, ... 359
Genesee county, annual meeting of, ... 134
" bridge to be built, ... 217
Greene county, poor-house in, ... 3
Hudson, school districts, ... 92
Indexes to deeds and mortgages, ... 359
Juvenile delinquents, transportation, ... 19
Military tract, school lots, ... 28
Oneida county, annual meeting, ... 5
Onondaga county, justices in, ... 37
Ontario county, Canandaigua town-house, ... 111
Orange county, tax to build a bridge, ... 218
Orleans county, court-house and jail, ... 69
Otsego county, annual meeting, ... 25

Rensselaer county, jail in, ... 139
" tax in Nassau, ... 267
Richmond county, clerk and surrogate's office, ... 128
Schenectady county, poor-house, ... 135
Sheriffs, transportation of juvenile delinquents, ... 19
Supervisors, act relative to, amended, ... 345
" duty of clerk of, ... 345
Tioga county, annual meeting, ... 39
Yates county, tax in, ... 184

Superintendents,

Of county poor-houses, power to bind out children, ... 290
Of repairs on canals, ... 360

Supply Bill,

Pay of certain officers, ... 373

Supreme Court,

February term 1826, enlarged, ... 55
Judges may appoint circuits, ... 68
Judges to act as state canvassers in certain cases, ... 320
Commissions to take testimony, ... 357

Surplus Waters,

In Black river, ... 322
Act relative to canals, ... 360

Surveyor-General,

To survey lots 85 Milton, 64 Cato, and 44 Locke, ... 25
To survey part of lot 88 Marcellus, ... 27
Act relative to sale of state lands, ... 209
Public buildings in Albany, ... 267
His duty as a state canvasser, ... 319
Lands sold for quit-rents, ... 326
Sales for quit-rents improperly made, ... 327
Advertisements, how to be published, ... 327
To survey Oneida purchase of Feb. 1826, ... 354
To survey Long sault island, ... 354
Conditions of sale of lands, (See chap. 304, sec. 6.) 354
Clerk hire, ... 375

Surveys,

Of the fortifications, Staten Island, ... 231
Oneida purchase of 1826, ... 354
Long sault island, ... 354

Susquehannah River,

Dams in, ... 58, 100, 250

Sussex Canal,

Act relative to, ... 138

Swamp Lands,

Drowned lands in Orange county, ... 247
Cayuga marshes, ... 293

T.

Taverns and Inns,
Act for regulating, amended, ... 257
Taxes,
In the city of Albany, ... 4
Sale of lands for, suspended, ... 7
Poor-houses and alms-houses exempted from, ... 7
Collecter of, in Hannibal, relieved, ... 17
In the city of New-York, ... 75
On dogs and bitches, ... 149
In Yates county, ... 184
In Bath, Steuben county, ... 238
Quit-rents, see lands sold for, ... 326
United States' direct tax of 1814, ... 358
Ten Broeck, Richard,
Pay of, ... 373, 374
Testimony,
Commissions for taking, ... 357
Thayer, John,
Act relative to, ... 59
Thompson, Preston & Roswell,
Land to be granted to, ... 44
Thompson, (town of,)
Divided, ... 53
Thurber, Ruth,
Act for her relief, ... 356
Thurstin, Luther,
May erect a dam, ... 58
Tickets,
See Albany lottery, ... 207
Tioga County,
Annual meeting of supervisors, ... 39
Dams in Tioga river, ... 16, 86
Gospel, school and literature lot in Owego, ... 151
To elect two members of assembly, ... 336
Part of the sixth senate district, ... 336
Tioga River,
Dams in, ... 16, 86
Title to Lands,
In case of patents issuing to deceased persons, ... 376
Toll Bridges,
(See Bridges.)
Tolls,
On canals, how to be regulated, ... 360

Tompkins County,

Road in Lansing, ... 23
Lot No 85, township of Milton, ... 25
Village of Ithaca, ... 105
Trustees of school district No. 13, Lansing, ... 106
Ithaca academy, ... 296
Ferry from Hector to Starkey, ... 297
To elect three members of assembly, ... 336
Part of sixth senate district, ... 336

Tonewanta Creek,

Bridge over, ... 217
Part of, a public highway, ... 245

Towns,

Supervisors to hold lands for burial grounds, ... 47
Coroners' fees, ... 45
Hamden, in Delaware county, (spelled correctly,) 57
Act relative to part of Avon annexed to Rush, ... 81
Name of Winchester altered to Marion, ... 246
Part of Hamburgh annexed to Evans, ... 271
Boundaries of Walton and Hamden corrected, ... 281

Towns Erected,

Burns, Allegany county, ... 57
Butler, Wayne, " 40
Erwin, Steuben, " 17
Fallsburgh, Sullivan, " 53
Gerrysville, Genesee, " 302
Hornby, Steuben, " 17
Lodi, Seneca, " 5,280
Port-Bay, Wayne, " 40
Randolph, Cattaraugus, " 21
Rose, Wayne, " 40

Town Meetings,

In Camillus, ... 7
In Allen, ... 40
In Castile, Pompey and Lysander, ... 46
In Lansingburgh, ... 247
In Davenport and Amherst, ... 267

Travellers,

Act for the safety of, by land and water, ... 252

Treasurer,

His duty as a state canvasser, ... 319
Addition to salary of A. Oake, ... 375

Treaty,

With Oneida Indians, confirmed, ... 354

Trespassers,

On land belonging to canal fund, ... 74
On land belonging to the state, ... 209

Trowbridge, John T.

To keep a ferry, ... 304

Troy, (city of,)
Coroners' fees regulated, ... 45
Rensselaer school incorporated, ... 63
Inspector of sole leather in, ... 284
Mechanics' humane association, ... 321

Trumbull, Benjamin,
Land to be granted to, ... 30

Tupper, Nathan,
Act for the relief of his heirs, ... 307

Turnpike Roads,
Bath and Sparta, ... 299
Buffalo and Hamburgh, ... 160
Canal, ... 98
Cherry-Valley and Canajoharie, ... 305
First great western, ... 68
First great south western, ... 271
Flushing and Huntington northern, ... 162
Gravesend and Coney-Island, ... 179
Greenbush and Troy, ... 220
Greenfield, ... 295
Hector and Catharine, road and bridge, ... 375
Highland, ... 142
Lockport, ... 303
Long causeway, ... 104
Long pond, ... 219
Ogdensburgh, ... 296
Schoharie, eastern branch, ... 244
" western branch, ... 250
Utica, ... 22

U.

Ulstsr County,
Poughkeepsie and New-Paltz ferry company, ... 20
Courts in, ... 241
Road in, ... 271
Inspector of sole leather in, ... 283
To elect two members of assembly, ... 335
Part of the second senate district, ... 336
Title to certain lands in, quieted, ... 356

Ulysses, (township of,)
Part of lot 24 granted to Ovid academy, ... 166

United States,
Act to appoint a senator to congress, ... 4
Lands at West-Point ceded to, ... 46
" at Stony-Point, ... 65
" at New-Utrecht, ... 281
Mexican company incorporated, ... 143
Agent to settle accounts with, ... 231
Direct tax of 1814, ... 358

University, (Regents of the,)
Ithaca academy subject to the visitation of, ... 296
Trustees of eye infirmary to account to, ... 341
(See Academies.)

Utica,
Horticultural society of, ... 31
Lyceum in, ... 13
Turnpike company, ... 22
Aqueduct company of, ... 172

V.

Vacancies,
In Ellington, Chautauque county, ... 3
In Columbia and Onondaga counties, ... 37
By the death of members of assembly, ... 279

Vestrymen,
Election of, ... 34

Villages,
Ballston Spa, ... 247
Bridgewater, ... 29
Brooklyn, ... 87
Buffalo, ... 140
Clinton, ... 130
Ithaca, ... 105
Little Falls, ... 308
Newburgh, ... 59
Ogdensburgh, (road annexed to,) 257
Rochester, ... 112
Salina, ... 83
Saratoga Springs, ... 258
Watertown, ... 256

Votes for Members of Assembly,
New election to be held in case of equality of, ... 279

W.

Wainer, Thomas,
Land to be granted to, ... 36, 133

Wallis, Daniel,
Land to be granted to, ... 30

Wallkill River,
Bridge over, ... 218
Drowned lands in Orange county 247

Walton, (town of,)
Line between it and Hamden altered, ... 281

Ward, Jasper,
Investigation of his conduct, expenses of, ... 226

Warren County,
To elect one member of assembly, ... 336
Washington County,
Wolves in Fort-Ann, ... 147
To elect three members of assembly, ... 336
Watertown,
Water works company incorporated, ... 131
Village of, ... 256
Water Works,
In Schenectady city, ... 67
In Watertown, ... 131
Harlaem spring-water company, ... 337
Wayne County,
Towns of Rose, Butler and Port-Bay erected, ... 40
Road from Ontario to Palmyra, ... 152
See poor-houses, ... 231
Name of Winchester altered to Marion, ... 246
To elect two members of assembly, ... 336
Gospel and school lot in Galen, ... 351
Weaver, Henry,
Pay to, ... 373
Weaver, Isaiah L.
Pay of, ... 375
Weights and Measures,
To be purchased for assistant state sealer, Albany, ... 356
Welch, Rachel,
Inquiry to be made as to her death, ... 276
West-Point,
Lands ceded to the United States at, ... 46
Ferry at, ... 351
Wells, Nathan A.
Act for the relief of, ... 351
Westchester County,
State prison at Mount-Pleasant, ... 54
Act relative to the town of Rye, ... 94
Bedford academy, ... 101
Rye academy, ... 152
New-Rochelle Academy, ... 182
Dam in, by T. Hunt and another, ... 285
To elect three members of assembly, ... 335
Part of the second senate district, ... 336
Whitesborough,
Scientific and military academy, ... 369
Whitney, Virgil,
May erect a dam, ... 58
Wilson, George,
To build a dam, ... 243

Winchester, (town of,)
Name altered to Marion, ... 246
Witnesses,
In the case of Jasper Ward, and committee on canals, ... 226
May be subpœned by commissioners to visit state prison, ... 276
Commissions to take testimony, ... 357
Wixom Pond,
Fishery in, ... 6
Wolcott, (town of,)
Divided, ... 40
Wolves,
Act relative to, in Fort-Ann, ... 147
Tenth section of the wolf act of 1822 repealed, ... 178
Wood, Thaddeus M.
A tax to be levied on his land, ... 95
Woollen,
Manufacturing company at Pleasant-Valley, ... 364

Y.

Yates County,
Act to annex part of Steuben county to, amended, ... 26
Fishery in Crooked lake, ... 47
Tax in, ... 184
Ferry across Seneca lake, ... 297
To elect one member of assembly, ... 336
School district No. 4, in Milo, ... 340
Crooked lake steam-boat company, ... 342
Youngstown,
Ferry at, ... 32

